



First Report and
Recommendations of
the Citizens' Assembly

THE EIGHTH AMENDMENT OF THE
CONSTITUTION

29 JUNE 2017

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Chairperson's Introduction to the Citizens' Assembly and Summary

Introduction

Across five weekends between November 2016 and April 2017, the Citizens' Assembly (the Assembly) met to consider the first topic set out in the Resolution of the Houses of the Oireachtas approving the establishment of the Assembly- *the Eighth Amendment of the Constitution*.

This topic is one of the most divisive and difficult subjects in public life in Ireland. The importance of structuring a discussion, which was balanced, fair and above all informative and evidence based, was the guiding principle with which I undertook all of our work at the Assembly.

As this report, and the appendices which support it, show, in considering this topic the members of the Assembly (the Members) had the benefit of a vast array of expertise and perspectives. Over five weekends they heard from twenty-five experts, actively taking part in over eighty hours worth of listening, discussion and deliberation. In addition, the Members prepared diligently for meetings, reading papers in advance and reviewing many of the thousands of submissions received by the Assembly.

All of the public proceedings were live-streamed on the Assembly's website, www.citizensassembly.ie, and the recordings are all available to view on the Assembly's YouTube Channel. All of the papers and presentations made to the Assembly were made available on the website as they were delivered and are also still available to view.

I believe that the consideration given by the Members of the Assembly is unique on this topic in an Irish context. The Assembly is an exercise in deliberative democracy, meaning that, I, as Chairperson, listened to the requests of my fellow Members when devising our work programme. Throughout the weekends, we had open feedback sessions when we heard from the Members about what they wanted to hear to allow them make informed decisions about the Eighth Amendment of the Constituion. What a Citizens' Assembly format allowed

us to do was to respond to the needs of the Members, a representative sample of ordinary members of Irish society, about what questions they wanted to have answered and who they wanted to hear from.

We began our consideration of this topic by looking at the current position with regard to the Eighth Amendment: tracking a history of the development of the law in Ireland; and then hearing first hand from medical practitioners about how the current legislation, the Protection of Life During Pregnancy Act 2013 (the Act of 2013), operates in practice in Irish hospitals. This grounding provided to the Members was given without commentary as to the perceived advantages or disadvantages of the Eighth Amendment.

In subsequent weekends, we responded to the requests of the Members and provided the information to them based on facts and expert testimony. Subject to an exception in one area, each speaker was chosen on the basis of their expertise and my view of their ability to give impartial and relevant advice to the Members. The exception relates to the ethical perspectives, in respect of which it was considered appropriate that both pro-life and pro-choice perspectives were presented to the Members, after they had been presented with an overview of ethical reasoning. By approaching the work programme in this way, Members were able to listen to the content presented and were not burdened with having to consider if the information they were hearing was driven by subjectivity or personal views. Advocacy groups were heard from in a distinct series of sessions. This evidence-based approach to discussion and policymaking is standard best practice. However, history of the debates on this issue demonstrates that this approach has not always been adopted in the past.

In this report in Chapter 3, there is provided a very short summary of the material presented to the Members at each weekend meeting. This is provided as a guide to the Houses of the Oireachtas; to give an overview of the material presented and to act as a signpost to allow the members of the Oireachtas and the public to access all of the detailed material. Appendix E provides the full suite of material: the agendas; expert papers and presentations; papers and presentations from advocacy groups; Secretariat and Expert Advisory Group papers prepared for each weekend; and the transcripts of some public proceedings. I considered it unwise to present a more detailed summary on such a complex topic, and I would therefore urge the members of the Oireachtas, and anyone with an interest in this topic, to read all of the material in full.

I had initially hoped that the Assembly would be able to conclude its work on the Eighth Amendment over four weekends. However, in January it became clear to me that, given the

complexity of the topic, in particular in relation to the law, it would be necessary to dedicate a fifth weekend solely to the preparation of recommendations. As Chairperson, I wanted to be satisfied that the Members would have all of the required information to allow them to make fully informed decisions on the core issue for their recommendations to the Oireachtas. I am satisfied that this was the case at that final weekend. I would encourage each member of the Oireachtas and the public with an interest in this topic to review the footage of the questions and answer and feedback sessions. It will be seen as evidence of the diligence with which the Members approached the task, and the thoughtful and thought provoking and considered questions they asked of our experts, advocacy groups and Secretariat alike. They took to their role with the utmost seriousness and dedication. I urge the members of the Oireachtas to view their recommendations with the respect and due consideration that they deserve.

Voted Recommendations

The substantive recommendations of the Assembly were the result of the ballots which took place on the final weekend. Chapter 1 of this report gives these in detail and also provides a full explanation of the changes to the draft Ballot Papers as requested and agreed by the Members over the course of the weekend.

As will be explained in Chapter 1, the issues which the Members voted on were framed by reference to Article 40.3.3° rather than the terminology used in the Resolution of the Oireachtas “*the Eighth Amendment of the Constitution*”.

In summary, the Citizens’ Assembly made the following recommendations by a majority vote:

- That Article 40.3.3° should not be retained in full. (87%)
- That Article 40.3.3° should be replaced or amended. (56%)
- That Article 40.3.3° should be replaced with a constitutional provision that explicitly authorises the Oireachtas to legislate to address termination of pregnancy, any rights of the unborn, and any rights of the pregnant woman. (57%)

Put simply, the Members voted that they wanted to remove Article 40.3.3° from the Constitution, and for the avoidance of doubt, to replace it with a provision in the Constitution, which would make it clear that termination of pregnancy, any rights of the unborn, and any rights of the pregnant woman are matters for the Oireachtas. In other words, it would be solely a matter for the Oireachtas to decide how to legislate on these issues.

The Assembly then made further recommendations about what should be included in this legislation. Specifically, the reasons, if any, for which termination of pregnancy should be lawful in Ireland, as well as any gestational limits that should apply, were addressed.

64% of the Members recommended that the termination of pregnancy without restriction should be lawful. Of the Members who voted on that Ballot:

- 48% have recommended that the termination of pregnancy without restriction should be lawful up to 12 weeks gestation age only.
- 44 % have recommended that the termination of pregnancy without restriction should be lawful up to 22 weeks gestation age only.
- 8% have recommended that the termination of pregnancy should be lawful with no restriction to gestational age.

In addition, a majority of Members recommended 12 reasons, for which termination of pregnancy should be lawful in Ireland. They also made recommendations as to gestational limits, if any, in respect of each of those reasons. Those reasons are as follows and the details of the voting on gestational limits, if any, for each will be outlined in Chapter 1:

- Real and substantial physical risk to the life of the woman (99%)
- Real and substantial risk to the life of the woman by suicide (95%)
- Serious risk to the physical health of the woman (93%)
- Serious risk to the mental health of the woman (90%)
- Serious risk to the health of the woman (91%)
- Risk to the physical health of the woman (79%)
- Risk to the mental health of the woman (78%)
- Risk to the health of the woman (78%)
- Pregnancy as result of rape (89%)
- The unborn child has a foetal abnormality that is likely to result in death before or shortly after birth (89%)
- The unborn child has a significant foetal abnormality that is not likely to result in death before or shortly after birth (80%)
- Socio-economic reasons (72%)

In an additional question on the ballot, 72% of Members recommended that a distinction should not be drawn between the physical and mental health of the woman.

It is essential that the Oireachtas understands the backdrop for those decisions and the context in which those recommendations were made in this very complex area of law. In Chapter 1, a full account of this context is provided

Ancillary recommendations

In feedback over a number of meetings the Members made clear that they wanted to see wider policy issues, as distinct from just legal changes, reflected in the recommendations of the Assembly. At the final weekend of the Assembly's consideration of the Eighth Amendment, Members were invited to write down their comments and suggestions on further recommendations. Members were informed that these would be included and reflected as recommendations in the final report. Further details about these recommendations are included in Chapter 3 of the report.

The five ancillary recommendations of the Assembly based on member feedback, which I consider should be included, are:

1. Improvements should be made in sexual health and relationship education, including the areas of contraception and consent, in primary and post-primary schools, colleges, youth clubs and other organisations involved in education and interactions with young people.
2. Improved access to reproductive healthcare services should be available to all women – to include family planning services, contraception, perinatal hospice care and termination of pregnancy if required.
3. All women should have access to the same standard of obstetrical care, including early scanning and testing. Services should be available to all women throughout the country irrespective of geographic location or socio-economic circumstances.
4. Improvements should be made to counselling and support facilities for pregnant women both during pregnancy and, if necessary, following a termination of pregnancy, throughout the country.
5. Further consideration should be given as to who will fund and carry out termination of pregnancy in Ireland.

Acknowledgements

I wish to acknowledge the professionalism and expertise of all of our suppliers – **The Grand Hotel Malahide, Roomaxx Ltd., Richard Jolly TV/Switch New Media, Q4PR, Beatrice.ie, Bridge Interpreting, pTools Software** and the staff of **Dublin Castle and the Office of Public Works**. Their exceptional level of service over the last few months has been over and above what was expected of them and has made the challenging logistical operation of Assembly meetings as smooth as possible.

I would like to express my sincere gratitude to the members of the **Expert Advisory Group** (*Dr Elizabeth Dunn, Professor Oran Doyle, Professor John Garry, Professor Declan Keane, Professor Deirdre Madden, Dr Tom Walker, and Dr Rachael Walsh*) for their expertise over the course of many months and the immense support and advice they provided to the Secretariat and myself. A special word of thanks also to *Dr. Adrienne Foran* for not only addressing the Assembly, but also for joining the Expert Advisory Group at short notice for the final weekend and for making her expertise available to the Members while they were considering the Ballot Papers. It is impossible to capture accurately my gratitude to the Expert Advisory Group members, or to convey the selflessness and dedication with which they applied themselves to the role.

The Expert Advisory Group had a critical role in identifying appropriate **speakers** to present to the Assembly in their professional capacity on the various issues. I would like to take this opportunity to thank most sincerely all of the speakers who gave their time at no charge to the Assembly, on one of the most complex and divisive issues currently facing Irish society. The value of their contributions to the deliberations of the Members is self-evident from their papers and presentations which are included in Appendix E.

At the March meeting, the Assembly heard recorded interviews with six women who had been affected by the Eighth Amendment. In listening to their testimony the Assembly had the benefit of hearing real lived experiences. I am sincerely grateful to those women for their generosity in sharing their stories with us. I am also very grateful to the personnel of the **HSE Crisis Pregnancy Programme** and the **Crisis Pregnancy Counselling Skills Programme in Maynooth University** for their assistance in selecting the women to address the Assembly. I am also sincerely grateful to Dr Mary Ryan in Maynooth University who conducted the interviews and Sinead Ingoldsby who undertook the logistical elements of the recordings and the editing for the compassion, sensitivity and skill with which they both undertook that work.

The level of engagement of the public with the Assembly was unprecedented, with the Assembly receiving over 12,000 submissions on the Eighth Amendment. The submissions formed a significant part of the work programme of the Assembly, most notably at the March meeting when the Assembly heard from 17 of the **Advocacy Groups, Interest Groups, and other Representative Organisations** who had made a submission to the Assembly. To each of those groups for contributions which allowed the members to hear wide-ranging, diverse and often conflicting arguments on the issue, I express my gratitude.

At the April meeting we had the benefit of expert advice and service from **John Fitzpatrick**, former returning officer for County Dublin on the voting over the course of the weekend. I wish to express my sincere gratitude to Mr. Fitzpatrick and his team for their advice and support both in advance and on the day.

The members of the **Secretariat** have played a critical role in the smooth and effective operation of the Assembly. Sharon Finegan, Secretary to the Assembly and her team worked tirelessly, often under extreme pressure, to make sure each meeting ran smoothly. The team supported me, as the Chairperson, and the Expert Advisory Group and the Members throughout the process. They developed the programme for each weekend, made the logistical arrangements before, during and after each weekend meeting, and responded to a huge number of calls, emails, letters, and other correspondence with members of the public, advocacy groups and other interested parties. Every effort was made by the team to accommodate all requests and provide as much information as possible.

I am also sincerely grateful to the Secretary General and staff of the **Department of the Taoiseach** for their support in the establishment of the Assembly and, in particular, to the staff members who helped the Secretariat with both the submissions process and the weekend meetings.

I must also express my sincere gratitude to Tom Arnold, Chairperson, Art O'Leary, Secretary and the personnel of the **Convention on the Constitution**, which is referred to in Chapter 2, for providing a very impressive structure on which to model the Citizens' Assembly. Their experience, insight and assistance was invaluable to us, particularly in the early days. I am also most grateful to Professor David Farrell and Dr. Jane Suiter, not only for their advice in the early planning stages of the Assembly's work, but also for their ongoing research on the Assembly.

Most importantly, I express my sincere gratitude to the **Members** who willingly gave up a Saturday in October and a further 5 weekends of their busy lives from November to April to participate in the Assembly's consideration of this difficult topic. They applied themselves enthusiastically, diligently and without complaint to a very challenging work programme. Their dedication, hard work and commitment was unflinching throughout these very demanding weekend meetings. Both I and the Secretariat have been astounded by the overwhelming sense of civic responsibility and engagement this group of people, without exception, have shown towards making well informed recommendations to the Oireachtas. If proof was needed, the live streaming of the public sessions clearly demonstrates this.

The Report

In the Chapters of this report and the appendices which follow, my primary concern has been to ensure that there is a clear, complete and accurate record of the work of the Assembly on the Eighth Amendment of the Constitution. My objective has been to demonstrate what happened, both before and at the five meetings, so that there is openness and transparency on the manner in which the Members were informed on this topic.

The Hon. Ms. Justice Mary Laffoy

June, 2017

CHAPTER 1: Assembly Recommendations

Background

1. Over the course of five weekends, from November, 2016 to April 2017, the Assembly considered the Eighth Amendment of the Constitution. It was originally intended to spend four weekends on this topic but it became apparent that a further full weekend would be required.
2. The additional fifth weekend, which took place on 22 and 23 April 2017, was dedicated specifically to agreeing the Ballot Papers, voting and formulating recommendations on the topic. The Members agreed to the addition of this extra weekend during a private session of the January meeting.
3. This chapter is a description of the proceedings of that fifth and final weekend. The Agenda for the weekend's proceedings, papers and the draft Ballot Papers are provided in Appendix E.
4. All of the Assembly's public proceedings, including the voting, were broadcast live and the footage is now available on the Assembly's YouTube Channel. In addition, a full transcript of the final weekend's public proceedings is available on the Assembly's website and is contained in Appendix E.
5. The Assembly's recommendations were determined through four distinct Ballot Papers, which were sequential in nature. Details are provided below about the development of the draft Ballot Papers, amendments made by the Members and the results of each ballot.
6. The Assembly is also making five further ancillary recommendations. These were made by seeking the views of the Members on the wider policy context related to the topic of the Eighth Amendment. While these recommendations cannot have the

same standing as those which were voted upon in accordance with the Oireachtas resolution, it is the view of the Chairperson that it was important nonetheless to gather the views and insights of the Members on the wider policy issues and present them as distinct recommendations. Full details are provided below.

Voting Arrangements

7. According to the resolution approving establishment of the Assembly:

“all matters before the Assembly will be determined by a majority of votes of members present and voting, other than the Chairperson who will have a casting vote in the case of an equality of votes”.

The final weekend comprised a series of important steps:

- agreeing on the issues to be included in a ballot;
- agreeing on the precise wording of the ballot; and finally
- voting.

8. The Chairperson enlisted independent oversight of the voting process. Mr. John Fitzpatrick, retired returning officer for County Dublin, together with a small team working with him, was available at the weekend and provided his expertise on the following matters:

- The mechanism and infrastructure for voting to be carried out in secret (e.g. the use of voting booths and ballot boxes);
- The counting of Ballot Papers and the accurate presentation of results.

9. Mr. Fitzpatrick also provided the Secretariat with advice in advance in relation to the structure of the ballot and the time allocated on the Agenda for voting and counting of the votes.

10. In advance of the weekend, the Members were provided with two key documents outlining the format for the final weekend and the voting arrangements that would operate. These are both available on the website and in Appendix E.

Development of a Draft Ballot Paper and Agenda

11. At the end of the March meeting of the Assembly, Members were invited to make comments and preliminary suggestions on the types of issues they thought should be voted upon or included on a Ballot Paper at the final weekend meeting on the topic. Comments and suggestions could refer to legal avenues and/or particular aspects of the substantive issue. The Secretariat collated all of these suggestions and these informed the preparation of a draft Ballot Paper. This work was led by the Chairperson, with the assistance of the Secretariat and the Expert Advisory Group.
12. Given that the Assembly is first and foremost an exercise in deliberative democracy, it was important that the Members took ownership of the ballot. Given the legal complexity of the Eighth Amendment, it was necessary to prepare a draft Ballot Paper or papers in advance for consideration by the Members. Significant time and effort was invested in the preparation of the draft Ballot Paper to ensure that the version circulated to Members was structured appropriately, was comprehensive and was legally robust.
13. It was decided that the issues to be considered by the Members necessitated the preparation of six Ballot Papers. The draft Ballot Papers were complex documents and were sequential in nature, meaning that later ballots were dependent on the outcome of earlier ballots. Depending on the votes on earlier ballots, not all later Ballot Papers were going to be reached. Copies of the original draft Ballot Papers as presented to the Members are provided in Appendix E.
14. It was hoped that in combination the draft Ballot Papers would be capable of being understood as a standalone document. However, significant time was spent on the final weekend, before voting commenced, explaining the proposed overall structure to ensure that the Members understood the implications of each vote on subsequent ballots. The Steering Group, whose functions are described in Chapter 2, met on two occasions between the meetings in March and April to discuss the format of the final weekend's proceedings and to review the draft Ballot Paper. On foot of these meetings, amendments were made to both the running order and the draft Ballot Papers.

15. Time was also allocated in the Agenda to explain the chosen wording for each ballot. In each case the explanation was provided by the Chairperson. Time was also set aside for roundtable discussion and question and answer sessions on each individual ballot to allow the Members sufficient time to examine the draft and ask questions of the Chairperson, Secretariat and Expert Advisory Group. Finally, time was provided in the Agenda to allow the Secretariat to revise the Ballot Paper in each case as required. All of the public sessions on the 22 and 23 April 2017 were live streamed on the Assembly website. In addition, a transcript of the public session was put on the website after the meeting. That transcript is included in Appendix E.

Overview of Voted Recommendations

16. In summary, the Assembly recommended by a majority vote the following:

Ballot 1: That Article 40.3.3° should not be retained in full (87%).

Ballot 2: That Article 40.3.3° should be replaced or amended (56%).

Ballot 3: That Article 40.3.3° should be replaced with a constitutional provision that explicitly authorises the Oireachtas to legislate to address termination of pregnancy, any rights of the unborn, and any rights of the pregnant woman (57%).

17. The Assembly then made further recommendations about what should be included in this legislation. Specifically, the reasons, if any, for which termination of pregnancy should be lawful in Ireland, as well as any gestational limits that should apply were addressed. As will be explained later, Ballot 4A and Ballot 4C were redundant at this stage.

18. Ballot 4B: On the final reason voted on in that Ballot, 64% of the Members recommended that the termination of pregnancy without restriction should be lawful. Of the Members who voted on that Ballot:

- 48% have recommended that the termination of pregnancy without restriction should be lawful up to 12 weeks gestation age only.
- 44% have recommended that the termination of pregnancy without restriction should be lawful up to 22 weeks gestation age only.
- 8% have recommended that the termination of pregnancy should be lawful with no restriction to gestational age.

19. In addition, a majority of Members recommended 12 reasons, for which termination of pregnancy should be lawful in Ireland. They also made recommendations as to gestational limits, if any, in respect of each of those reasons. Those reasons are as follows and the details of the voting on gestational limits, if any, for each will be outlined later:

- Real and substantial physical risk to the life of the woman (99%)
- Real and substantial risk to the life of the woman by suicide (95%)
- Serious risk to the physical health of the woman (93%)
- Serious risk to the mental health of the woman (90%)
- Serious risk to the health of the woman (91%)
- Risk to the physical health of the woman (79%)
- Risk to the mental health of the woman (78%)
- Risk to the health of the woman (78%)
- Pregnancy as result of rape (89%)
- The unborn child has a foetal abnormality that is likely to result in death before or shortly after birth (89%)
- The unborn child has a significant foetal abnormality that is not likely to result in death before or shortly after birth (80%)
- Socio-economic reasons (72%)

20. In addition, in Ballot 4B, Part 2, 72% of Members also recommended that a distinction should not be drawn between the physical and mental health of the woman.

Detailed Breakdown and Explanation of Assembly Recommendations and Ballot Results

21. This section of the report provides a detailed explanation of the wording that appeared on each of the draft Ballot Papers. The explanation of the meaning of the wording as provided by the Chairperson to the Members in advance of discussion and questions and answers sessions is also provided. An account of any agreed changes to each of the Ballot Papers sought and agreed by the Members is also provided.

Ballot Paper 1

Ballot Paper wording including explanation as provided by the Chairperson

22. The opening of draft Ballot Paper 1 provided a brief context to the Assembly's work. It explained that the role laid down for the Assembly in the Oireachtas resolution was to consider the Eighth Amendment, which inserted Article 40.3.3° into the Constitution.

23. The text of Article 40.3.3° was expanded with the addition of two further clauses following the passage of the Thirteenth and Fourteenth Amendments to the Constitution. These were in relation to the right to travel and the right to information. Due to the inextricable link which the Thirteenth and Fourteenth Amendments have with the Eighth Amendment, it was felt that it was more accurate to discuss Article 40.3.3°, rather than the Eighth Amendment in isolation.

24. As quoted in the Ballot Paper, Article 40.3.3° provides:

<i>The State acknowledges the right to life of the unborn and, with due regard to the equal right to life of the mother, guarantees in its laws to respect, and, as far as practicable, by its laws to defend and vindicate that right.</i>	<i>Eighth Amendment 7th October, 1983</i>
<i>This subsection shall not limit freedom to travel between the State and another state.</i>	<i>Thirteenth Amendment, 23rd December, 1992</i>
<i>This subsection shall not limit freedom to obtain or make available, in the State, subject to such conditions as may be laid down by law, information relating to services lawfully available in another state.</i>	<i>Fourteenth Amendment 23rd December, 1992</i>

25. Draft Ballot Paper 1 provided the starting point for the Assembly's recommendations. The proposed wording asked:

“Do you think Article 40.3.3° should be retained in full or not retained in full?”

26. The Members had two voting options in response to this question. They were:

Option 1: Article 40.3.3° should be retained in full

Option 2: Article 40.3.3° should not be retained in full

27. The word retain was used to demonstrate that the considerations were starting from the status quo: what the law is.

28. The purpose of this ballot was to establish whether or not there was a basis for change. This Ballot Paper did not concern itself with the types of potential legal changes, or the implications of those. It was intended to establish either a recommendation to retain Article 40.3.3° or a mandate to move forward to consider changes to the current constitutional provision.

29. If a majority voted for Option 1, this would constitute the sole recommendation of the Citizens' Assembly and the voting process would be concluded. If a majority voted for Option 2, the Assembly would move on to draft Ballot Paper 2. It was made clear to the Members that if they voted by a majority for Option 2 in this ballot, this would result in a constitutional referendum of some shape or form if acted upon by the Oireachtas.

30. Roundtable discussions did not occur for this ballot as the two options presented posed a relatively simple question in light of the extensive deliberation on the issue undertaken by the Members. A questions and answers session took place with responses being provided to the Members by the relevant members of the Expert Advisory Group, the Chairperson and the Secretary. Following this, the Members voted through a show of hands to accept the wording of the draft Ballot Paper as put before them.

Result of Ballot 1

31. The result of Ballot 1 was as follows:

Number of Eligible Voters:	91
Number of Votes Cast:	91
Invalid Votes:	0
Total Valid Poll:	91
Option 1. Article 40.3.3° should be retained in full	12 (13%)
Option 2. Article 40.3.3° should not be retained in full	79 (87%)

Ninety-one Members of the Assembly were present and voted. A high majority (87%) voted for Option 2: Article 40.3.3° should not be retained in full.

32. This result represented a clear decision that the Members sought change to the law as it currently stands.

33. It was a mandate for the Assembly to move forward with the formation of further recommendations for the Houses of the Oireachtas.

34. The sequential nature of the Ballot Paper meant that the Assembly now proceeded to consider Ballot Paper 2.

Ballot Paper 2

Ballot Paper wording including explanation as provided by the Chairperson

35. The purpose of draft Ballot Paper 2 was to look at the legal nature of the desired change.

36. The proposed wording asked:

*“Do you think Article 40.3.3° should be repealed (i.e. deleted and not replaced) **or** replaced or amended?”*

37. The Members had three voting options in response to this question. They were:

1. Article 40.3.3° should be repealed (i.e. deleted and not replaced);
2. Article 40.3.3° should be replaced or amended;
3. Prefer not to state an opinion.

38. As was the case with Ballot 1, the Chairperson described the draft wording of the Ballot Paper to the Members in some detail. Particular emphasis was placed by the Chairperson on the legal advice which the Members had received in weekend four as to the legal consequences of retention, repeal or amendment of 40.3.3°.

Option 1

39. Option 1, repeal, would involve the deletion in full of Article 40.3.3° from the Constitution. The text would be removed and the provision would have no continuing legal force. The Members had previously been advised, by expert legal opinion in weekend four, that the consequences of simple repeal would have to be determined by the courts, in an appropriate case. The Chairperson during her explanation of draft Ballot 2 stated that the important point was that it cannot be said with certainty which of a number of possible consequences would prevail if Article 40.3.3° was simply repealed (see the transcript of the proceedings on 22nd April in Appendix E at Pages E884 and E885 for further details).

Option 2

40. Option 2, replace or amend, would leave open the potential for the Constitution to continue to address the right to life of the unborn and/or the termination of pregnancy, either exclusively or in conjunction with legislation. This could occur either by inserting an entirely new provision to replace what is already there or an amendment to the wording of the existing text.
41. It was recognised that the text of a replacement provision or amendment could be drafted in a multitude of ways to provide for a range of issues. As the Assembly's role was to make recommendations on the matter, substantive discussions around drafting and wording of such a replacement or amendment did not occur.
42. The Members were advised that both Option 1 and Option 2 could result in an outcome that allows for the liberalisation of the current legal regulation of termination of pregnancy in Ireland, or alternatively an outcome which results in the rights of the unborn being given greater protection. Legislation enacted in consequence of repeal or a provision replacing or amending Article 40.3.3° could have either effect. Again, this aspect of the issue was not substantively discussed at this point. The purpose of this draft ballot was to ascertain the Members' desired legal avenue to enact change, regardless of the content of that change.

Option 3

43. Members also had an opportunity to select "prefer not to state an opinion". This third option was important as it was the view of the Chairperson that those who voted in favour of the retention of Article 40.3.3° in full in Ballot 1 should not be forced by the Ballot Paper into specifying how change will be enacted, if they did not wish to do so.

Counting of the Vote

44. As the Members were informed by the Chairperson, in this Ballot and in Ballot 3, if relevant, which also included the third "prefer not to state an opinion" option, a majority decision would be determined by reference to the total votes cast in favour of both Option 1 and Option 2 only. Members were also provided with a detailed note on voting arrangements and this is provided in Appendix E.

45. Following roundtable discussions and a questions and answers session, the Members, by vote through a show of hands, agreed the wording of the draft Ballot Paper as put before them.

Result of Ballot 2

46. The result of Ballot 2 was as follows:

Number of Eligible Voters:	91
Number of Votes Cast:	91
Invalid Votes:	0
Total Valid Poll:	91
Option 1. Article 40.3.3° should be repealed (i.e. deleted and not replaced)	39 (44%)
Option 2. Article 40.3.3° should be replaced or amended	50 (56%)
Prefer not to state an opinion	2

Ninety-one Members were present and voted. Fifty Members, representing 56%, voted that Article 40.3.3° should be replaced or amended. This is contrasted with 39 Members representing 44% voting in favour of repeal. Two Members selected the “prefer not to state an opinion” option.

47. The sequential nature of the Ballot Paper meant that depending on the outcome of Ballot 2, the Assembly would either proceed to Ballot 4A or Ballot 3. As the Assembly voted by a majority for Option 2, the Assembly now proceeded to consider Ballot Paper 3. Ballot 4A therefore became redundant.

Ballot Paper 3

Ballot Paper wording including explanation as provided by the Chairperson

48. Draft Ballot Paper 3 was designed, in the event that the Members voted for replacement or amendment in Ballot 2, to allow the Members to formulate recommendations on how Article 40.3.3° should be replaced or amended.

49. Having selected the legal mechanism by which they want to implement change to the current regime, this ballot provided the Members with the opportunity to be more specific about the type of replacement provision or amendment to the Constitution they wished to see.

50. In essence, this draft Ballot Paper sought to determine where the power should lie concerning the regulation of termination of pregnancy: whether the Constitution should explicitly stipulate that the Oireachtas may determine the laws in this area; or whether the people may continue to exercise some control by way of a constitutional amendment.

51. The proposed wording asked:

“How do you think Article 40.3.3° should be changed?”

In preparing the draft ballot, two possible types of change were identified and included as options.

Option 1

52. Option 1 was that Article 40.3.3° should be replaced with a constitutional provision that explicitly authorises the Oireachtas to legislate to address both termination of pregnancy and any rights of the unborn.

53. This constitutional provision would grant the Oireachtas the exclusive power to make law on these issues. In other words the constitutional amendment would serve to clarify that it is the will of the people that the Oireachtas has full control over these

matters. It would then be a matter for the Oireachtas to decide how to regulate these issues.

Option 2

54. Option 2 was that Article 40.3.3° should be replaced or amended by a new constitutional provision that directly addresses both termination of pregnancy and any rights of the unborn.
55. This constitutional provision, as interpreted by the Courts, would limit the law-making power of the Oireachtas.
56. This could be implemented primarily by a constitutional provision, whether by replacement or amendment of Article 40.3.3°, in conjunction with legislation, or in certain circumstances by legislation only.
57. As in Ballot 2, both Option 1 and Option 2 could result in an outcome that allows for the liberalisation of the current legal regulation of termination of pregnancy in Ireland, or alternatively an outcome which results in the rights of the unborn being given greater protection.

Option 3

58. Again, the option “prefer not to state an opinion” was present on the Ballot Paper for those Members who chose not to express a view on how change should be effected.
59. The Members engaged in roundtable discussions on the text of the draft Ballot Paper. During the questions and answers session, in which the Expert Advisory Group, the Chairperson and the Secretariat participated, a number of suggested amendments to the wording of the draft ballot were made by the Members.

Deliberation on Wording of Ballot Paper 3

60. One suggestion was the inclusion of “the rights of the mother” in the text of both Option 1 and Option 2. This was to replicate the terminology used in Article 40.3.3°. In response, the Chairperson suggested the use of the word “woman” as a substitute for “mother”, as this is the term used in the Act of 2013.

61. Following later concerns from the floor about the ability of the Oireachtas to interfere with any rights of the woman in a broader sense beyond the termination of pregnancy, the term “pregnant woman” was suggested.
62. Another suggestion was the removal of “the rights of the unborn” from the text of Option 1 so that the text would then read “Article 40.3.3° should be replaced with a constitutional provision that explicitly authorises the Oireachtas to legislate to address termination of pregnancy”. The reason for the suggestion was to avoid the creation of difficulties, similar to perceived difficulties with the Eighth Amendment.
63. In open questions and answers session, the advice from the Expert Advisory Group on this suggestion was that, by only including a reference to termination of pregnancy, the scope of the recommendation would be narrower than if a reference to “any rights of the unborn”, and potentially “any rights of the pregnant woman”, if the Members voted for this, were included. The narrower version would not deal with any other issues that might be affected by the Eighth Amendment as it currently stands, beyond simply termination of pregnancy.
64. During the course of discussions in the questions and answers session on Ballot Paper 3, Members raised a number of issues about the voting on and outcome of Ballot 2. Various views were expressed. For example, it was stated in comments from the floor that some Members may not have been clear about the impact of each option prior to voting. It was also stated that too much emphasis was given to the level of uncertainty which might emerge from a simple repeal of Article 40.3.3°.
65. Some Members, who voted against repeal Ballot 2, it was stated from the floor, did so in the light of legal advice provided to the Assembly stating that it cannot be said with certainty what the consequence of repeal would be. It was stated that those Members therefore voted instead for ‘amend or replace’ on Ballot 2, so that in Ballot 3 they could vote for an amendment/replacement provision which would very clearly give explicit powers to the Oireachtas, without the possible legal uncertainty which could emerge from a simple repeal. The members of the Expert Advisory Group confirmed that this was a correct understanding of the relationship between Ballot 2 and Ballot 3. There were extensive discussions on this and further explanations were provided to the Members to confirm the position as previously outlined (see the transcript of proceedings in Appendix E at Pages E908 to E914 for further details).

Agreement on Wording of Ballot Paper 3

66. The Chairperson briefly adjourned the Assembly to consider the proposed amendments put forward by the Members and, when the public session resumed, two choices were put to the Members. They were:

1. Draft Ballot Paper 3 as originally proposed
2. A revised draft incorporating a reference to “any rights of the pregnant woman”.

67. Members were requested to indicate their preference by a show of hands and a count was taken.

68. The majority voted to include a reference on the Ballot Paper to “any rights of the pregnant woman”.

Result of Ballot 3

69. The agreed amendments to the Ballot Paper were made by the Secretariat and the result of Ballot 3 was as follows:

Number of Eligible Voters:	92
Number of Votes Cast:	92
Invalid Votes:	0
Total Valid Poll:	92
Option 1. Article 40.3.3° should be replaced with a constitutional provision that explicitly authorises the Oireachtas to legislate to address termination of pregnancy, any rights of the unborn and any rights of the pregnant woman.	51 (57%)
Option 2. Article 40.3.3° should be replaced or amended with a constitutional provision that directly addresses termination of pregnancy, any rights of the unborn and any rights of the pregnant woman.	38 (43%)
Prefer not to state an opinion	3

Ninety-two Members were present and voted. There was one additional member who voted on this Ballot Paper who had not voted in earlier Ballot Papers. The Chairperson and Secretariat had been advised in advance that the individual could not attend the earlier part of the day due to personal reasons. In the public session

on the explanation of Ballot 2 earlier, the Members had agreed to this individual voting in later ballots.

Fifty-one Members, representing 57%, chose option 1- that Article 40.3.3° should be replaced with a constitutional provision that explicitly authorises the Oireachtas to legislate to address termination of pregnancy, any rights of the unborn and any rights of the pregnant woman.

This is contrasted with 38 Members, representing 43%, who chose Option 2 - that Article 40.3.3° should be replaced or amended with a constitutional provision that directly addresses termination of pregnancy, any rights of the unborn and any rights of the pregnant woman.

Three Members selected the “prefer not to state an opinion” option.

70. The sequential nature of the Ballot Paper meant that, depending on the outcome of Ballot 3, the Assembly would either proceed to Ballot 4B or Ballot 4C. As the Assembly voted by a majority for Option 1, the Assembly now proceeded to consider Ballot Paper 4B. Ballot 4C therefore became redundant. The Assembly then adjourned and reconvened on Sunday morning to consider Ballot Paper 4B.

Ballot Paper 4B

Ballot Paper wording including explanation as provided by the Chairperson

71. In Ballot 3 the Members voted to replace Article 40.3.3° with a constitutional provision explicitly authorising the Oireachtas to legislate to address termination of pregnancy, any rights of the unborn and any rights of the pregnant woman. In light of this vote, draft Ballot Paper 4B was designed to provide the recommendations of the Assembly to the Oireachtas about what should be included in any legislation that the Oireachtas might enact on foot of this clear constitutional authority. Specifically, it would provide recommendations on the reasons, if any, for which termination of pregnancy should be lawful in Ireland, as well as any gestational limits that should apply.

72. The draft Ballot Paper originally proposed 8 reasons, with 4 columns representing whether, and if so subject to what gestational limits (if any), each of the reasons for termination of pregnancy should be permissible. The fifth column provided for Members who preferred not to state an opinion to express that view.

Original Draft Ballot Paper 4B:

Ballot 4B		Mark X in <u>one</u> of the five boxes below for each of the 8 reasons				
		Recommendation				
		A	B1	B2	B3	C
	Reasons	Never for this reason	Up to 12 wks gestation only	Up to 22 wks gestation only	With no restriction as to gestational age	Prefer not to state an opinion
1	Real and substantial physical risk to the life of the woman					
2	Real and substantial risk to the life of the woman by suicide					
3	Serious risk to the physical health of the woman					
4	Serious risk to the mental health of the woman					
5	Pregnancy as a result of rape					
6	The unborn child has a foetal abnormality that is likely to result in death before or shortly after birth					
7	The unborn child has a significant foetal abnormality that is not likely to result in death before or shortly after birth					
8	Available on request (i.e. no restriction as to reasons)					

Counting of the Vote

73. As the Members were informed by the Chairperson, each individual recommendation in Ballot 4B was determined in the initial reporting by reference to the total votes cast for recommendation A and recommendations B1, B2 and B3 combined only.

74. If in respect of any of the 8 reasons (or additional reasons added following deliberation by the Members) there was equality of voting on recommendations B1, B2 and B3, the Chairperson had the casting vote as provided for in the Resolution of the Oireachtas.

Deliberation on Wording of draft Ballot Paper 4B

75. The Members engaged in roundtable discussions to discuss the text of the draft Ballot Paper. During the questions and answers session, a number of additional reasons for termination of pregnancy were suggested by the Members for inclusion on the Ballot Paper, alongside other textual changes.

76. The following suggested amendments came from the floor:

- *Socio-economic reasons*

It was suggested that socio-economic reasons could be listed on the Ballot Paper. The Expert Advisory Group described how reason 8 on the draft Ballot Paper (available on request i.e. no restriction as to reasons) would capture this, but that it could be a standalone reason if the Members voted in favour of its inclusion.

- *Terminology of Reason 8: Available on request (i.e. no restriction as to reasons)*

Some Members felt that the terminology “available on request” or on demand was “flippant” and perhaps reference should be made to the case of crisis pregnancies. The Expert Advisory Group advised that limiting it to crisis pregnancies would not capture the full range of circumstances which reason 8 was designed to capture. An alternative wording- “No restriction as to reasons”- was suggested.

- *Deliberation on separation of physical & mental health*

Some Members raised the issue of the separation of serious risk to the physical and serious risk to the mental health of the woman by the inclusion of reasons 3 and 4 on the original draft Ballot Paper. Some Members expressed the view that it was not appropriate to draw a distinction between physical and mental health.

The Expert Advisory Group explained that physical and mental health were separated on the draft Ballot Paper to reflect the position in the 2013 Act whereby there are different certification procedures in relation to the physical risks to life of the woman and the risk to the life of the woman by suicide. Reasons 3 and 4 in the draft Ballot Paper allowed the Members to see a distinction between physical and mental health and to select different gestational limits, if any, in their recommendations.

However, the Expert Advisory Group explained that physical and mental health could be merged in the Members' recommendations if they so voted.

- *Inclusion/removal of the word "serious" when considering risk to health*

There were some conflicting views around the inclusion of the word "serious" in reasons 3 and 4. Some Members felt including "serious" could create definitional difficulties for medical practitioners. Others felt that if it was removed, the consequence would be that those reasons would be effectively equated with the "available on request" reason, as all pregnancies involve some element of risk.

- *Reason based on language used in the Abortion Act 1967 in the United Kingdom*

One Member suggested the inclusion of a reason in similar terms to the language used in the Abortion Act 1967 in the United Kingdom, i.e. "that the continuance of the pregnancy would involve risk, greater than if the pregnancy were terminated, of injury to the physical or mental health of the pregnant woman". The member suggested that this text should replace reasons 3 and 4 on the draft Ballot Paper. It was suggested that this wording could solve the issues raised by the Members in relation to reasons 3 and 4.

- *Full female autonomy over reproductive system*

There was a request for explicit reference to be made in the Ballot Paper to full female autonomy over the female body/reproductive system. The Expert Advisory Group advised that this was implicitly captured by reason 8.

- *Presence of rape ground and possible inclusion of incest*

A number of Members raised the inclusion of the rape reason (reason 5) and questioned why incest was omitted from the draft Ballot Paper.

The Expert Advisory Group explained that rape was included as the purpose of this Ballot Paper is to make recommendations to the Oireachtas as to the types of issues the Members would like to see included in any new legislation, not to recommend how it would be implemented. Matters of implementation would need to be considered by the Oireachtas.

With respect to incest, it was explained that the term rape covers all non-consensual sexual intercourse including sexual intercourse with a minor in the sense of statutory

rape. By using the term “rape” the only category of incest omitted arises from situations of consensual sexual intercourse between adults where they are in defined family relationships. It was suggested that incest could be recorded on the Ballot Paper as a separate reason if the Members voted for it. It was generally understood however that the terminology used- pregnancy as a result of rape- covered the situations the Members wanted covered, without requiring a separate ground covering incest.

- *Other points*

A number of other points were raised by Members and by facilitators on behalf of Members during this session. Where a point was represented as a minority view or where a point raised was not widely supported, amendments to the draft Ballot Paper were not considered.

Terminology

77. During the discussions on earlier ballots, a question was raised from the floor about the use of the term “termination of pregnancy” and its precise meaning. The Chairperson undertook to revert to the Members on this. During the feedback and questions and answers session on 23 April 2017, and before voting commenced on the content of Ballot 4B, the Members were informed by the Chairperson that the term “abortion” is used in many countries, but it is generally not used in Irish obstetric practice. Further, the Members were informed that for the purposes of the Assembly and more specifically the Ballots before the Members, the term “termination of pregnancy” means-

“the intentional procurement of miscarriage of a woman who was pregnant that results in foetal death”.

(See the transcript of proceedings in Appendix E at page E948 for further details).

This definition was put on the screen in the room, immediately prior to the vote on Ballot Paper 4B.

Agreement on Wording of Ballot Paper 4B

78. Following a brief recess, the following proposals for additions/ amendments to the Ballot Paper 4B were put to a vote of the Members:

- *In relation to reasons 3 and 4:*
 1. Inclusion of “risk to the physical health of the woman” (without being qualified by the word “serious”);
 2. Inclusion of “risk to the mental health of the woman” (without being qualified by the word “serious”);
 3. Inclusion of an additional reason “serious risk to the health of the woman”; (omitting the distinction between physical and mental health);
 4. If point 3 was agreed by the Members in conjunction with point 1 and 2, this would generate an additional consequential reason- “risk to the health of the woman” (without being qualified by the word “serious” and omitting the distinction between physical and mental health);
 5. To maintain the integrity of the voting and counting process and to ensure no member was disenfranchised, a separate question could be added to the ballot stating that a distinction should not be drawn between physical and mental health.

- *Socio-economic reason:*

Inclusion of the socio-economic reason.

- *Terminology of reason 8:*

Removal of “available on request” language so that reason 8 was instead expressed as: “No restriction as to reasons”.

79. Each of these proposed amendments was put to the Members and was carried. The Members voted by a show of hands on each individual proposal. A count was not required on any of the proposals, as they were carried by a clear majority.

80. This resulted in the addition of five extra reasons being included on the Ballot Paper and the introduction of a Part 2 of the Ballot Paper, asking whether the Members agree or disagree with a distinction being drawn between physical and mental health.

81. The agreed amendments to the draft Ballot Paper were made by the Secretariat and Ballot Paper 4B was finalised as follows:

Ballot 4B - Part 1- Revised following member input

Ballot 4B		Mark X in <u>one</u> of the five boxes below for each of the 13 reasons				
		Recommendation				
		A	B1	B2	B3	C
	Reasons	Never for this reason	Up to 12 wks gestation only	Up to 22 wks gestation only	With no restriction as to gestational age	Prefer not to state an opinion
1	Real and substantial physical risk to the life of the woman					
2	Real and substantial risk to the life of the woman by suicide					
3	Serious risk to the physical health of the woman					
4	Serious risk to the mental health of the woman					
5	Serious risk to the health of the woman					
6	Risk to the physical health of the woman					
7	Risk to the mental health of the woman					
8	Risk to the health of the woman					
9	Pregnancy as a result of rape					
10	The unborn child has a foetal abnormality that is likely to result in death before or shortly after birth					
11	The unborn child has a significant foetal abnormality that is not likely to result in death before or shortly after birth					
12	Socio- economic reasons					
13	No restriction as to reasons					

Ballot 4B - Part 2- added at the request of Members

	Agree	Disagree	Prefer not to state an opinion
A distinction should not be drawn between the physical and mental health of the woman			

Results of Ballot 4B- Part 1

82. The results of Ballot 4B – Part 1, generated by reference to each of the 13 reasons, are as follows:

Reason 1: Real and substantial physical risk to the life of the woman

Number of Eligible Voters:	88		
Number of Votes Cast:	88		
Invalid Votes:	1		
Total Valid Poll:	87		
		Votes	Total Votes
A. Never for this reason.		1	1 (1%)
B1. Up to 12 weeks gestation only		8 (10%)	82 (99%)
B2. Up to 22 weeks gestation only		12 (15%)	
B3. With no restriction as to gestational age		62 (76%)	
Prefer not to state an opinion		4	4

Reason 2: Real and substantial risk to the life of the woman by suicide

Number of Eligible Voters:	88		
Number of Votes Cast:	88		
Invalid Votes:	1		
Total Valid Poll:	87		
		Votes	Total Votes
A. Never for this reason.		4	4 (5%)
B1. Up to 12 weeks gestation only		9 (11%)	79 (95%)
B2. Up to 22 weeks gestation only		22 (28%)	
B3. With no restriction as to gestational age		48 (61%)	
Prefer not to state an opinion		4	4

Reason 3: Serious risk to the physical health of the woman

Number of Eligible Voters:	88		
Number of Votes Cast:	88		
Invalid Votes:	1		
Total Valid Poll:	87		
		Votes	Total Votes
A. Never for this reason.		6	6 (7%)
B1. Up to 12 weeks gestation only		12 (16%)	76 (93%)
B2. Up to 22 weeks gestation only		21 (28%)	
B3. With no restriction as to gestational age		43 (57%)	
Prefer not to state an opinion		5	5

Reason 4: Serious risk to the mental health of the woman

Number of Eligible Voters:	88		
Number of Votes Cast:	88		
Invalid Votes:	1		
Total Valid Poll:	87		
		Votes	Total Votes
A. Never for this reason.		8	8 (10%)
B1. Up to 12 weeks gestation only		15 (20%)	74 (90%)
B2. Up to 22 weeks gestation only		24 (32%)	
B3. With no restriction as to gestational age		35 (47%)	
Prefer not to state an opinion		5	5

Reason 5: Serious risk to the health of the woman

Number of Eligible Voters:	88		
Number of Votes Cast:	88		
Invalid Votes:	0		
Total Valid Poll:	88		
		Votes	Total Votes
A. Never for this reason.		8	8 (9%)
B1. Up to 12 weeks gestation only		12 (16%)	77 (91%)
B2. Up to 22 weeks gestation only		25 (32%)	
B3. With no restriction as to gestational age		40 (52%)	
Prefer not to state an opinion		3	3

Reason 6: Risk to the physical health of the woman

Number of Eligible Voters:	88		
Number of Votes Cast:	88		
Invalid Votes:	1		
Total Valid Poll:	87		
		Votes	Total Votes
A. Never for this reason.		18	18 (21%)
B1. Up to 12 weeks gestation only		12 (18%)	66 (79%)
B2. Up to 22 weeks gestation only		26 (39%)	
B3. With no restriction as to gestational age		28 (42%)	
Prefer not to state an opinion		3	3

Reason 7: Risk to the mental health of the woman

Number of Eligible Voters:	88		
Number of Votes Cast:	88		
Invalid Votes:	1		
Total Valid Poll:	87		
		Votes	Total Votes
A. Never for this reason.		18	18 (22%)
B1. Up to 12 weeks gestation only		12 (19%)	63 (78%)
B2. Up to 22 weeks gestation only		31 (49%)	
B3. With no restriction as to gestational age		20 (32%)	
Prefer not to state an opinion		6	6

Reason 8: Risk to the health of the woman

Number of Eligible Voters:	88		
Number of Votes Cast:	88		
Invalid Votes:	1		
Total Valid Poll:	87		
		Votes	Total Votes
A. Never for this reason.		18	18 (22%)
B1. Up to 12 weeks gestation only		10 (15%)	65 (78%)
B2. Up to 22 weeks gestation only		30 (46%)	
B3. With no restriction as to gestational age		25 (38%)	
Prefer not to state an opinion		4	4

Reason 9: Pregnancy as a result of rape

Number of Eligible Voters:	88		
Number of Votes Cast:	88		
Invalid Votes:	2		
Total Valid Poll:	86		
		Votes	Total Votes
A. Never for this reason.		9	9 (11%)
B1. Up to 12 weeks gestation only		23 (31%)	74 (89%)
B2. Up to 22 weeks gestation only		26 (35%)*	
B3. With no restriction as to gestational age		25 (34%)	
Prefer not to state an opinion		4	4

*Following the ballot by the Members, there was an equality of votes at B2 and B3 (25 votes in each). The Chairperson cast the deciding vote in this instance (bringing B2 up to 26 votes).

Reason 10: The unborn child has a foetal abnormality that is likely to result in death before or shortly after birth

Number of Eligible Voters:	88		
Number of Votes Cast:	88		
Invalid Votes:	1		
Total Valid Poll:	87		
		Votes	Total Votes
A. Never for this reason.		10	10 (11%)
B1. Up to 12 weeks gestation only		6 (8%)	77 (89%)
B2. Up to 22 weeks gestation only		18 (23%)	
B3. With no restriction as to gestational age		53 (69%)	
Prefer not to state an opinion		0	0

Reason 11: The unborn child has a significant foetal abnormality that is not likely to result in death before or shortly after birth

Number of Eligible Voters:	88		
Number of Votes Cast:	88		
Invalid Votes:	2		
Total Valid Poll:	86		
		Votes	Total Votes
A. Never for this reason.		17	17 (20%)
B1. Up to 12 weeks gestation only		9 (14%)	66 (80%)
B2. Up to 22 weeks gestation only		32 (48%)	
B3. With no restriction as to gestational age		25 (38%)	
Prefer not to state an opinion		3	3

Reason 12: Socio-economic reasons

Number of Eligible Voters:	88		
Number of Votes Cast:	88		
Invalid Votes:	1		
Total Valid Poll:	87		
		Votes	Total Votes
A. Never for this reason.		23	23 (28%)
B1. Up to 12 weeks gestation only		24 (40%)	60 (72%)
B2. Up to 22 weeks gestation only		30 (50%)	
B3. With no restriction as to gestational age		6 (10%)	
Prefer not to state an opinion		4	4

Reason 13: No restriction as to reasons

Number of Eligible Voters:	88		
Number of Votes Cast:	88		
Invalid Votes:	1		
Total Valid Poll:	87		
		Votes	Total Votes
A. Never for this reason.		29	29 (36%)
B1. Up to 12 weeks gestation only		25 (48%)	52 (64%)
B2. Up to 22 weeks gestation only		23 (44%)	
B3. With no restriction as to gestational age		4 (8%)	
Prefer not to state an opinion		6	6

Ballot 4B – Part 2

83. The result of Ballot 4B – Part 2 is as follows:

Number of Eligible Voters:	88
Number of Votes Cast:	88
Invalid Votes:	0
Total Valid Poll:	88
Question: A distinction should not be drawn between the physical and mental health of the woman	
Option 1. Agree	60 (72%)
Option 2. Disagree	23 (28%)
Prefer not to state an opinion	5

Ancillary Recommendations

Background

84. Across the five weekends between November 2016 and April 2017, the Members had consistently indicated that they wished to see wider policy issues, as distinct from just changes to Article 40.3.3, reflected in the recommendations of the Assembly.

85. While these recommendations of course were not voted on and therefore cannot have the same standing as those which were voted upon in accordance with the Oireachtas resolution, it is the view of the Chairperson that it was important nonetheless to gather the views and insights of the Members on the wider policy issues and present them as distinct ‘ancillary’ recommendations.

86. Therefore, the Members were provided with a response form on the final weekend to complete. The form- “Member Reflective Exercise”- is included at Appendix B. The purpose of the exercise was to allow the Members to make comments and suggestions on such further recommendations to be referenced in the final report. The Chairperson undertook to deliver any emerging consensus themes or issues as recommendations in the final report.

87. The five ancillary recommendations set out below are informed by the matters on which the greatest consensus emerged. A number of other issues, including

- decriminalisation of abortion, including the use of the abortion pill; and
- recognition of and protection of female reproductive rights and autonomy;

were also included in the responses from the Members.

In the interests of clarity and transparency, the verbatim text of 74 forms completed by the Members is included in Appendix B.

Ancillary Recommendations

1. Improvements should be made in sexual health and relationship education, including the areas of contraception and consent, in primary and post-primary schools, colleges, youth clubs and other organisations involved in education and interactions with young people.
2. Improved access to reproductive healthcare services should be available to all women – to include family planning services, contraception, perinatal hospice care and termination of pregnancy, if required.
3. All women should have access to the same standard of obstetrical care, including early scanning and testing. Services should be available to all women throughout the country irrespective of geographic location or socio-economic circumstances.
4. Improvements should be made to counselling and support facilities for pregnant women both during pregnancy and, if necessary, following a termination of pregnancy, throughout the country.
5. Further consideration should be given as to who will fund and carry out termination of pregnancy in Ireland.

CHAPTER 2: Background to the Assembly

A. Introduction

88. Establishment of the Assembly was approved by a Resolution of both Houses of the Oireachtas in July 2016. The Resolution of Dáil Éireann is at Appendix A.

89. The Assembly was tasked with the consideration of five discrete topics:

- the Eighth Amendment of the Constitution;
- how we best respond to the challenges and opportunities of an ageing population;
- fixed term parliaments;
- the manner in which referenda are held; and
- how the State can make Ireland a leader in tackling climate change.

90. Under the Oireachtas Resolution, the Assembly was asked to first consider, make recommendations and report to the Houses of the Oireachtas on the Eighth Amendment of the Constitution. The Assembly would then consider, make recommendations and report on each remaining topics as soon as it had completed its deliberations on the first topic.

91. The resolution provided that the Assembly would consist of 100 Members, a Chairperson appointed by Government and 99 citizens entitled to vote at a referendum, randomly selected to be broadly representative of Irish society. All of the Members are on the electoral register and are eligible to vote in a referendum.

92. The Assembly held its inaugural meeting in Dublin Castle on 15 October 2016.

93. The Assembly's plenary meetings on the Eighth Amendment were held in the Grand Hotel, Malahide on the following weekends:

- 26-27 November 2016;
- 7-8 January 2017;

- 4-5 February 2017;
- 4-5 March 2017; and
- 22-23 April 2017.

The Convention on the Constitution

94. By way of background, the Citizens' Assembly follows the model used for the Convention on the Constitution (the Convention) which was established by a Resolution of both Houses of the Oireachtas in July 2012.
95. The Convention's membership comprised 66 randomly-selected citizens, 33 politicians from both Houses of the Oireachtas and the Northern Ireland Assembly and an independent Chairperson.
96. The Resolution establishing the Convention sets out eight specific aspects of the Constitution that the Convention was asked to consider and make recommendations on to the Oireachtas. The Convention also examined two matters which it selected for itself. Nine Reports from the Convention on the Constitution were published.
97. In responding to the Convention's Reports, the previous Government accepted six recommendations for Constitutional change: on marriage equality, reducing the voting age to 16, reducing the age threshold for candidacy for Presidential elections, removing the offence of blasphemy from the Constitution, enhancing the reference in the Constitution to the office of Ceann Comhairle to give it more status, and including a reference to Oireachtas Committees in the Constitution.
98. Referenda were held on two of these issues in May 2015, on reducing the age threshold for candidacy in Presidential elections and on marriage equality. The marriage equality referendum passed by a majority of 62.1% to 37.9%. The referendum on the age of presidential candidates was defeated.
99. More information on the work of the Convention is available on the website www.constitution.ie.
100. In the interests of clarity, it is appropriate to point out that two of the matters that the Assembly has been asked to consider (*how we best respond to the challenges and*

opportunities of an ageing population and how the State can make Ireland a leader in tackling climate change) do not, ex facie, have constitutional implications.

Deliberative Democracy

101. The Assembly and the Convention before it are both exercises in deliberative democracy.

102. Deliberative democracy is a school of thought in political theory that claims that political decisions should be the product of fair and reasonable discussion and debate among citizens.

103. In deliberation, citizens exchange arguments and consider different claims that are designed to secure the public good. Through this conversation, citizens can come to an agreement about what procedure, action, or policy will best produce the public good. Deliberation is a necessary precondition for the legitimacy of democratic political decisions. Rather than thinking of political decisions as the aggregate of citizens' preferences, deliberative democracy claims that citizens should arrive at political decisions through reason and the collection of competing arguments and viewpoints. In other words, citizens' preferences should be shaped by deliberation in advance of decision making, rather than by self-interest.

104. With respect to individual and collective citizen decision making, deliberative democracy shifts the emphasis from the outcome of the decision to the quality of the process.

105. Deliberation in democratic processes generates outcomes that secure the public or common good through reason rather than through political power. Deliberative democracy is based not on a competition between conflicting interests, but on an exchange of information and justifications supporting varying perspectives on the public good. Ultimately, citizens should be swayed by the force of the better argument rather than by private concerns, biases, or views that are not publicly justifiable to their fellow deliberators.

Key Principles, Rules and Procedures for the Assembly

106. Since the inaugural meeting, the Assembly has operated under the following six **Key Principles** which were adopted by the Members at that meeting:

Openness: the Citizens' Assembly will operate with complete transparency with all plenary meetings being broadcast live at www.citizensassembly.ie and all documentation freely available. The Assembly should be open to hearing from all sections of society on any issue, including our Diaspora and young people under 18 years of age, who are not directly represented in the Assembly membership;

Fairness: it is important that we allow the full spectrum of views to be heard on every issue and that our briefing material for Assembly Members is of the highest quality;

Equality of voice: amongst all Assembly Members. Each Member will be given an opportunity to voice their opinions, should they so wish;

Efficiency: the Assembly will make best use of our limited time together and ensure that all documentation is circulated in advance so members can properly prepare for meetings;

Respect: it is important that Members can freely and confidently make contributions and express their views without fear of personal attacks or criticism; and

Collegiality: we will work together in a spirit of friendship as together we embark on this task.

107. The Chairperson regularly referred to these Key Principles over the course of Assembly meetings as being of the utmost importance for Members.

108. The Assembly also operated to a detailed set of **Rules and Procedures**. These are attached separately at Appendix C.

B. Membership

Background and recruitment of the Members

109. The Citizens' Assembly consists of 100 Members – the Chairperson and 99 citizens.
110. The representative sample of 99 Members of the public and also substitutes were recruited by REDC Research and Marketing Ltd., which was appointed following a competitive tendering process.
111. Recruitment was undertaken so that the Members, chosen at random, would be broadly representative of the following demographic variables as reflected in the Census: age, gender, social class, and regional spread. Members are also on the electoral register to vote in a referendum. With demographic variables controlled, the random nature of selection should ensure a natural fall out of other variables in line with the population. It is understood that this is same approach used for all national opinion polling.
112. REDC interviewers recruited door to door in selected sampling points across the country. These points were selected in order to be representative of the population as a whole, based on the latest census information.
113. Direct applications from members of the public to take part in the Assembly were not accepted. Similarly, interviewers were not allowed to recruit a number of individuals together, for example friends or family.
114. Prior to the commencement of the recruitment process for members of the Assembly, it was decided that members of advocacy groups on the topics to be considered would be excluded from membership of the Assembly. The rationale for this decision was based on the fact that interest groups would be separately invited to make submissions on the matters concerning them.
115. In order to implement this decision, during the recruitment process all potential members were asked if they currently were, had been or intended to act in an

advocacy role for any interest or lobby group campaigning on any of the issues to be considered by the Assembly. This was asked of potential members again during a validation phone call with REDC. Any potential members who answered yes to these questions were excluded from the process. Copies of the recruitment and validation questionnaires are available on the Assembly website.

116. Individuals who had previously expressed views on any of the issues before the Assembly would not be excluded from Assembly membership, which by the random nature of its make-up, may include Members who have views on either side of a debate. These variations in opinion are to be expected and are part of the value of the Assembly. However the Chairperson did ask that Members refrain from publicly commenting on any of the issues while discussions on that issue were ongoing, as a mark of respect to their fellow Members and to protect the integrity of the Assembly process.

117. A comprehensive document compiled by REDC, which explains the methodology used to determine the demographic quotas of individuals required is available on the Citizens' Assembly website. This document contains details on the selection of random sampling points and how area stratification was used to determine how many points would be needed within each broad area to be representative of the national population. Based on the number of points needed in each area, individual points were then chosen by selecting every "nth" District Electoral Division point from the census list for that area.

118. All Members are willing participants in the process and are fully informed about all aspects of the process before committing to taking part. Members were provided with a detailed information booklet about the Assembly, a copy of which is available on the website. No information about the Members is made available to the public beyond their name and the general area they come from.

Replacement of Members

119. Between the inaugural meeting on 15th October 2016 and the final meeting on the Eighth Amendment of the Constitution on 22/ 23 April 2017, twenty four of the original members were replaced.

- **Eleven** new members were recruited between the October inaugural meeting and the November meeting of the Assembly.

- A further **four** Members were recruited following the November meeting and before the January meeting.
- **Nine** new Members were recruited between the January and February meetings.

120. Of these twenty-four detailed above, seventeen were initially recruited and indicated a willingness to participate in the Assembly but never attended any meeting and were therefore replaced.

121. Following the February meeting, a further four Members withdrew from the process. A decision was taken by the Chairperson not to replace any Members who withdrew from the process following the February meeting. It was agreed that this was the most appropriate course of action given the amount and complexity of material already circulated and considered in detail on the issue of the Eighth Amendment of the Constitution during the previous Assembly meetings. It also took account of the fact that there were only two weekends left to consider and make recommendations on this topic.

122. For this reason, ninety-five Members were actually due to attend the April meeting of the Assembly. Replacements were sought for these four members after the April meeting when consideration of the Eighth Amendment of the Constitution was completed.

123. Most of those who withdrew from the process did so for personal reasons including illness, illness of a family member, change in employment or other personal circumstances. Full details about recruitment and replacement of Members are available on the Assembly website.

Member Attendance at Assembly Meetings

124. The turnout for Assembly meetings from the 99 Members was as follows:-

15 October, 2016	72 Members attended
26 - 27 November, 2017	77 Members attended
7– 8 January, 2017	81 Members attended
4 – 5 February, 2017	89 Members attended
4 – 5 March, 2017	86 Members attended
22 – 23 April, 2017	92 Members attended on Saturday and 88 Members attended on Sunday

125. For the most part, the reasons why Members could not attend on any particular weekend were personal, and included illness, illness of a family member, bereavement, work commitments or previously planned engagements. Those who could not make the meeting were strongly advised to follow the proceedings live on line over the course of the weekend, or catch up afterwards on the Assembly website. All papers, speaker presentations, and the questions and answers sessions with experts were made available on the Citizens Assembly website following each meeting.

126. Member packs, containing the papers for that weekend, were also available from the Secretariat afterwards if the Member wished to receive them by post.

127. Throughout the process the Chairperson acknowledged the engagement of the Members in every aspect of the meetings and commended each and every one of the Members for their commitment and energy over the last seven months in dealing with what has been an extremely difficult and emotive topic for all.

128. Giving up their time to attend the weekend meetings, reading and considering material in advance of and following meetings, actively listening to, understanding, discussing and considering complex and often emotive legal, medical and ethics material presented by speakers at the meetings – these are just some of the sacrifices that this group of exceptionally committed, civic minded citizens have made to this process for no monetary compensation beyond payment of their expenses for attending.

129. Particular mention should go to some of the Members for their unwavering commitment to seeing the process through while at the same time continuing to face challenging and monumental moments in their own lives. Over the course of the Assembly's deliberations on the Eighth Amendment Members were bereaved, babies were born, family members and children had to be cared for. Even a honeymoon was rearranged to accommodate attendance at the Assembly! The Secretariat made every effort to support these Members, but it is their own commitment and dedication which saw them through.

C. Steering Group

Background

130. The Rules and Procedures for the Assembly state that a Steering Group shall be established to support the Assembly in the efficient and effective discharge of its role and functions. The Steering Group consists of the Chairperson, the Secretariat and a representative group of Members elected by the wider Assembly membership.

131. The Steering Group makes such decisions as are necessary for the smooth conduct of Assembly business, except in cases where it is more appropriate to seek wider Assembly approval. The Steering Group is supported by the Assembly Secretariat.

Functions

132. The Steering Group's responsibilities are to assist the Chairperson in:

- Oversight of all planning and operational issues for Assembly meetings;
- Ongoing monitoring of the Work Programme;
- Ratification of the specialists/ experts to appear before the Assembly following advice from the Expert Advisory Group and the Chairperson; and
- Evaluation of the Assembly procedures and arrangements.

Commitments

133. Over the course of the Assembly's consideration on the Eighth Amendment, participation in the Steering Group involved meeting in Dublin at least one afternoon per month, for approximately two hours. Members of the Steering Group were also required to deal (by e-mail, phone call etc.) on an ad hoc basis with issues as they arise during the run-up to Assembly weekends.

Composition and Meetings

134. During the Assembly's deliberations on the Eighth Amendment the Steering Group comprised 11 members who put themselves forward for selection and were approved by a vote of the remaining Members.

135. In advance of the April meeting and on the issue of the Eighth Amendment of the Constitution, the Steering Group met a total of 6 times as follows:

- 17 November 2016 in advance of the November meeting
- 15 December 2016 in advance of the January meeting
- 19 January 2017 in advance of the February meeting
- 16 February 2017 in advance of the March meeting
- 23 March 2017 and 6 April 2017 in advance of the April meeting

136. Each meeting followed the following general format:

- The draft agenda for next meeting of the Assembly was discussed;
- The Secretariat and Expert Advisory Group, as appropriate, gave the Steering Group an overview of the format of the weekend and the speakers' presentations;
- Any proposals by the Steering Group were discussed and incorporated where possible;
- The draft agenda and speakers were ratified by the Steering Group;
- Each meeting served as an opportunity to seek the Steering Group's input before the agenda for the Assembly meeting was finalised.

D. Expert Advisory Group

Background

137. The Oireachtas Resolution, approving establishment of the Assembly, states that *“an Expert Advisory Group will be established to assist the work of the Assembly in terms of preparing information and advice”*.

Membership of the Expert Advisory Group on the Eighth Amendment

138. The Expert Advisory Group on the Eighth Amendment was comprised of academics/practitioners across a number of specific fields of interest including:

- Political/Social Science;
- Constitutional Law and Theory;
- Medical Law and Ethics;
- Medicine and Obstetrics.

139. The members of the Expert Advisory Group were chosen by applying the following criteria:

- Relevant expertise and experience;
- Impartiality/objectivity on the topics before the Assembly about which they are assisting;
- Willingness/availability to participate.

140. The members of the Expert Advisory Group for this topic were:

- **Elizabeth Dunn** who is Associate Professor in Obstetrics and Gynaecology, MRCOG, FRCPI with Special Interest in Maternal Fetal Medicine, Wexford General Hospital
- **Oran Doyle** who is an Associate Professor and Head of the School of Law in Trinity College Dublin and his principal research interest lies at the intersection of constitutional law and legal theory.
- **Adrienne Foran*** who is a neonatal consultant at the Rotunda and Children’s University Hospitals. She is also an Honorary Senior Lecturer with RCSI and has been the Clinical Director at The Children’s University Hospital Temple Street since October 2015.

- **John Garry** who is Professor of Political Behaviour at Queen's University Belfast. One of his principal research interests is in the area of deliberative democracy and the design of Citizens' Assemblies.
- **Declan Keane** who is a Consultant Obstetrician in Holles Street and formerly served as the Master of Holles Street.
- **Deirdre Madden** BCL, LLM, BL, PhD, who is Professor of Law at University College Cork, specialising in medical law and ethics. She is the author of *Medicine, Ethics and the Law* (3rd ed. 2016), former Chairperson of the Ethics Committee of the Medical Council, and a member of the National Advisory Committee on Bioethics.
- **Tom Walker** who is Senior Lecturer in Ethics and Director of the Centre for the Study of Risk and Inequality at Queen's University Belfast. His principal research interests are in medical ethics.
- **Rachael Walsh** LLB, LLM, PhD, BL, who is Assistant Professor at the School of Law in Trinity College Dublin, teaching and researching in the areas of constitutional law and theory and property law. She is co-editor on the fifth edition of *Kelly: The Irish Constitution*, forthcoming in 2018 with Bloomsbury Professional Publishing.

*Dr Foran joined the Expert Advisory Group for the final meeting of the Assembly.

141. The composition and focus of the Expert Advisory Group changes during the lifetime of the Assembly. Further details on the Expert Advisory Groups on the second and third topics being considered by the Assembly are available on the website.

Terms of Reference

142. The main roles of the Expert Advisory Group included the following:

- Supporting the Chairperson and Secretariat in constructing a fair, balanced and comprehensive work programme for the Assembly on each of the topics;
- Providing background expert advice on the issues being discussed;
- Advising on the criteria for selecting specialists/ experts to appear before the Assembly;
- Recommending names for the specialists/experts to appear before the Assembly, for ratification by the Steering Group;

- Working with the Chairperson and Secretariat to select speakers from civil society and advocacy groups.

143. The Expert Advisory Group made no public comment on their work for the Assembly while that work was ongoing.

Selection of specialists/experts to appear before the Assembly

144. The Expert Advisory Group assisted the Chairperson in devising a structure for the series of weekends the Assembly considered the Eighth Amendment, so that the composite discussion was balanced and covered all of the key issues to allow for a thorough and comprehensive analysis of the issues.

145. The Expert Advisory Group used the following criteria as the basis for proposing the names of experts/specialists for consideration by the Steering Group and, where appropriate, the wider Assembly:

- Demonstrated expertise in the field, e.g. university academics, members of the legal or medical profession or other subject specialists;
- Good communicators, capable of expressing themselves clearly to a diverse audience;
- People who are not seen primarily as advocates on one side or another of the issue at hand;
- In the case of issues where expert views are contested (i.e. where experts can make credible arguments that directly conflict with one another,) the Expert Advisory Group will ensure that both sides of the argument will be represented.

Role of Expert Advisory Group at Assembly Meetings

146. In order to best allow the Expert Advisory Group to provide this support, where possible, members of the Group attended the Assembly meetings in the Grand Hotel in Malahide. Their role at those meetings was as follows:

- To observe proceedings and reflect on how the material presented was received by the Members;
- To consider how best any feedback coming from roundtable discussions could be incorporated into the Assembly work programme at future weekends;

- Where appropriate, and at the discretion of the Chairperson, the group also provided clarification on questions from the Members, with answers being provided in plenary session.
- For the final weekend of the Assembly, when the Members considered and voted on the Ballot Papers, the relevant members of the Expert Advisory Group answered questions from the Members on legal or medical issues during the questions and answers and feedback sessions.

Meetings of the Expert Advisory Group

147. The Expert Advisory Group met on a weekly basis, with 25 meetings in advance of the April meeting.

E. Deliberation and Facilitation

Background and Appointment of Facilitators/Note-takers

148. Deliberation by Members is a cornerstone of the Citizens' Assembly exercise. Roundtable discussions are built into the timetable for each Assembly meeting to allow the Members an opportunity to further examine, discuss, debate and enhance their understanding of the material they are considering.

149. To assist with this discussion, a Facilitator and a Note-taker are present at each of the tables at which the Members sit during meetings. Following a competitive tendering process, Roomaxx Ltd. was selected to provide facilitation and note-taking services for the duration of the Assembly. This tender was published on 5 October, 2016 on the eTenders website and details of the tender process are available on the Assembly's website.

150. Twenty eight to thirty Facilitators and Note-takers are required to be in attendance at each Assembly meeting. From the outset of this process, Roomaxx Ltd. used a panel of approximately 45 people, to allow for replacements should the need arise. Many of the individuals on the panel have substantial experience of facilitation and note-taking and indeed many assisted previously at the Convention, the predecessor to the Assembly.

151. A training programme for the Facilitators and Note-takers was developed by Roomaxx Ltd. in collaboration with the Secretariat and guidelines were developed to help them carry out their role. Ongoing training is provided for Facilitators and Note-takers as the need arises. In addition, a briefing session takes place with all Facilitators and Note-takers in advance of each Assembly weekend meeting to outline specific details/issues arising for that meeting.

152. In addition, Guidelines were provided to Facilitators and Note-takers to help them carry out their role. A copy of these Guidelines is attached at Appendix D and they are available to view on the Assembly's website.

153. Regular meetings are held between the Secretariat and Roomaxx Ltd. to allow the Secretariat to respond to any needs identified by the Members and to ensure a continued commitment to best practice and the highest standards of professionalism.

Role of Facilitators and Note-takers

154. The primary role of the Facilitators and Note-takers is to manage the process of roundtable discussions at the Assembly and to speak on behalf of the Members should the Members so wish.

155. At the Assembly meetings, roundtable discussions typically take place in two distinct formats:-

- Roundtable discussions following a speaker presentation;
- Roundtable discussions generally.

156. The role of the Facilitator/Note-taker is slightly different in each case.

Roundtable discussions following a speaker presentation

157. Following a presentation from an expert or invited speaker, the Assembly typically breaks off into private session roundtable discussions to allow the Members to discuss what they have heard and to hear each other's views. The role of the Facilitator in those cases is to facilitate a discussion in keeping with the Ground Rules provided for in the Guidelines, and to focus on the conversation starters provided by the Secretariat. The Facilitator will also note any questions, agreed with all Members, to be asked on behalf of the Members at that table. Members are free to ask questions themselves should they so wish. The Note-taker should record a short summary of the discussion for record keeping purposes, which would be agreed with all Members.

Roundtable discussions generally

158. From time to time at the Assembly, roundtable discussions are scheduled to allow Members to consider matters in more detail. The role of the Facilitator in those cases is to facilitate a discussion in keeping with the Ground Rules and to focus on the conversation starters provided by the Secretariat. The Note-taker should record a short summary of the discussion which would be agreed with all Members and feed this back to the Chairperson of the Assembly in the public session.

159. In undertaking their role, the Facilitators and Members of the Assembly are aware that:-

- The Facilitator is speaking on behalf of the Members at the table and is not part of the discussion. Language should be used carefully to reflect this.
- Where possible, the Facilitator should provide feedback on the full range of views expressed at each table. The role of the Facilitator in these sessions is not to present an agreed conclusion to a discussion, but rather to summarise the discussion that has taken place. In the spirit of equality of voice, one of the key principles of the Assembly, it is important that the full range of views is aired and reported to the Chairperson.

Importance of high quality facilitation and note-taking

160. The work of the Facilitators and Note-takers is crucial to the successful operation of Assembly business. It ensures that all views are heard without fear or favour and discussion around and active consideration of the relevant issues, can take place in an environment where the Members feel that their views are both welcomed and respected.

161. The feedback that the Secretariat has received to date regarding the Facilitators and Note-takers through the surveys (details of which are in Section F below) has been overwhelmingly positive. The Members have noted their professionalism, capability, and commitment to ensuring that all views are heard and that roundtable discussions are as open and considered as possible. They are seen as fair, impartial and unbiased and have received high praise for the role they play from the vast majority of the Members.

162. From the perspective of the Assembly Chairperson and Secretariat, having the same panel of Facilitators and Note-takers, managed and trained centrally and to the same standard, has been most important in conducting this process to date.

F. Research

Collaboration with the Irish Research Council

163. In November 2016, the Irish Research Council, at the request of the Assembly Secretariat, issued a call for proposals for a research leader. The purpose of this was to secure a suitably qualified academic with relevant and applicable research experience to assist the Secretariat in gaining a better understanding of the perceived deliberative quality of the Assembly and its modus operandi. It was also intended to provide a mechanism whereby the Secretariat could receive feedback from the Members to contribute towards ongoing development and improvements.

164. The call was issued on the Irish Research Council's website. Links to the documentation issued and application details are available on the Assembly's website.

165. On 23 November 2016, the evaluation team awarded the contract to Professor David Farrell from University College Dublin. Professor Farrell is working in collaboration with Dr Jane Suiter from Dublin City University on this research.

166. The research is carried out through the use of surveys which are completed by the Members.

Surveys

167. In accordance with the requirements outlined in the call for proposals, the research team work in conjunction with the Secretariat to develop a number of surveys to be carried out on each of the weekends on which the Assembly meets. These surveys are typically done by the Members at the start and end of each weekend meeting.

168. The survey at the beginning of each weekend establishes satisfaction with the housekeeping arrangements of the Secretariat: e.g. quality and timeliness of papers and material, and communication with the Secretariat. The survey at this point also seeks to establish Members' views on the topics before the Assembly and on wider social and political issues.

169. The end of weekend survey seeks to establish satisfaction with the organisational arrangements over the weekend. This survey also includes questions to check the perceived deliberative quality of the proceedings. Specifically in the context of facilitation and deliberation, information is sought on the quality of discussions, the participation of Members at each table and the quality of facilitation of these discussions.

170. After each weekend the research team analyses the data gathered and prepares a report for the Secretariat. This report is then shared with the Members at the next meeting. These reports are available on the Assembly website.

171. Whilst the feedback reports taken by the Note-takers at the tables give the immediate detail about the quality of discussion at the tables, the weekend surveys are completed anonymously by the Members and can perhaps provide a truer reflection of how Members feel about the process and quality of discussion.

CHAPTER 3: Work Programme on the Eighth Amendment of the Constitution

Agenda and Work Programme

172. The agenda and work programme of the Assembly on the Eighth Amendment was developed and advanced over the months from October 2016 to April 2017 and was, to a large extent, informed by the information requested by the Members themselves.

173. The Chairperson and Secretariat, in conjunction with the Expert Advisory Group and Steering Group, chose speakers to present to the Assembly at the plenary sessions, to address very specific concerns or requirements outlined by the Members through the regular, structured feedback sought at the beginning and end of each weekend session.

174. Experts who were invited to present to the Assembly were for the most part, people who were not primarily seen as advocates on one side of the issue or the other and were people who had never spoken publically on the issue of the Eighth Amendment. There has been some commentary about the decision to invite Dr. Gilda Sedgh of the Guttmacher Institute and Dr. Patricia Lohr of the British Pregnancy Advisory Service to the Assembly. Both of these speakers were invited to present in their professional capacity as experts in their respective fields. Their invitations were in response to specific requests from the Members to hear where Ireland's abortion regime sits amongst the regimes in other developed nations and to hear from medical practitioners in England about how the procedure is carried out. The inclusion of both of these issues was signalled when the work programme for the Assembly was published. Failure to include this material would, in the view of the Chairperson have represented a serious omission in the Assembly's overall work programme.

175. Managing the requirements of the Members for specific expertise within a relatively small field, whilst making every effort to address the issue of balance where possible, was a challenging and extremely time consuming task for the Chairperson, the Secretariat and the Expert Advisory Group, but it was a vital part of the process of democratic engagement.

176. The Chairperson and Secretariat took the view that it was more important to give the Members expert, impartial information on the legal, medical and ethical aspects of the issue being considered, rather than being constrained by the particular organisation an expert speaker worked for with regard to the issue of “balance”. Experts were invited to present to the Assembly in their professional capacity, irrespective of where they were currently employed.

Summary of Assembly Meetings on the Eighth Amendment

177. 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. This summary is based on material presented to the Members in advance of their final weekend on the topic, as an aide memoire.

178. This is provided as a guide for members of the Oireachtas; to give an overview of the material presented and to act as a signpost to allow the members of the Oireachtas to access all of the detailed material. Appendix E provides the full suite of materials in relation to the public sessions of the meetings: the agendas; expert papers and presentations; papers and presentations from advocacy groups and the papers of the Secretariat and Expert Advisory Group. The Chairperson considered it unwise, because of the risk of not giving a complete picture, to prepare a more detailed summary on such a complex topic. The members of the Oireachtas, and anyone with an interest in this topic, are therefore urged to read all of the material in full.

179. The proceedings of the fifth and final weekend concerned the preparation of a draft Ballot Paper, agreement on the ballot and voting. This is covered in Chapter 1, and is therefore not repeated here.

Weekend One: 26-27 November 2016

180. 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.

181. The Members 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- Session 1- Article 40.3.3° and the law on abortion

182. **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".

183. The Members were also provided with a paper entitled "Current Law on Article 40.3.3° of the Constitution" which was prepared by the Expert Advisory Group. This paper was intended to complement Dr. Carolan's paper concerning the history of Article 40.3.3° of the Irish Constitution by giving a brief statement of the current law related to Article 40.3.3°. The Members were provided with two further papers; "Eighth Amendment in the context of the provisions of the Constitution" and "Outline Chronology of evolution of law since the Eighth Amendment" by way of further background. Each of these papers is provided at Appendix E.

Saturday Afternoon- Session 1- Current Practice in Ireland

184. The Members heard about the day-to-day operation of the Act of 2013 in the medical sphere.

185. **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 Act of 2013 using fictional case studies which were representative of real-life patients.

186. **Professor Anthony McCarthy**, 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 of 2013 where an expectant mother expresses suicidal ideation.

Saturday Afternoon- Session 2- Current Practice in Ireland

187. **Janice Donlon**, Funding Officer with the HSE Sexual Health Crisis Pregnancy Programme, provided the Members with an overview of the level of instances of crisis pregnancies in Ireland and State funded services supporting women experiencing a crisis pregnancy.

188. **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 General Practitioners helping their patients who present with a crisis pregnancy.

Sunday Morning- Session 1- Ethics- An Overview

189. 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 termination of pregnancy.

190. **Dr Mark Sheehan**, 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. 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.

Sunday Morning- Session 2- Roundtable Brainstorming on topics/ issues to be covered in subsequent weekends

191. The Members met in private session to brainstorm the topics and issues that they would like to hear about in subsequent weekends. This session was included on the Agenda to ensure that the Work Programme addressed the topics and heard from the people that the Members identified as being important to their understanding of the issue. A summary of the discussion at each table and the key issues emerging took place in public session. The Secretariat then presented a draft work programme

to the Members based on this feedback in advance of the meeting on the second weekend.

Weekend Two: 7-8 January 2017

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

193. 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

194. **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.

195. **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

196. **Eileen Barrington**, Senior Counsel, presented a paper on "Article 40.3.3° of the Constitution and Fatal Foetal Abnormalities", outlining the arguments for and against on the question whether Article 40.3.3° captured cases of Fatal Foetal Abnormalities, by reference to recent decisions of the European Court of Human Rights and the Supreme Court and the United Nations Human Rights Committee.

197. **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

198. **Dr Helen Watt**, Senior Research Fellow and former Director of the Anscombe Bioethics Centre Oxford, presented pro-life arguments in relation to the moral status of the foetus.

199. **Prof. Bobbie Farsides**, Professor of Clinical and Biomedical Ethics at Brighton and Sussex Medical School, presented pro-choice arguments in relation to the moral status of the foetus.

Sunday Morning- How Laws are Made and Changed

200. **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 Members 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.

201. To complement the presentation by Dr. Kenny, the Expert Advisory Group developed an exercise on constitutional design, which the Members undertook as a group exercise. A paper to explain the exercise was prepared by the Expert Advisory Group and presented to the Members in advance. It is included in Appendix E.

202. Building on the group-work exercise, the Members were invited to consider as individuals what reasons they could identify for and against different legal approaches in respect of issues raised by the Eighth Amendment including the right to life of the unborn and termination of pregnancies.

203. The responses were completed anonymously, but on duplicate paper. This allowed the Members to retain the top copy as a record of their own thoughts following this session, but also allowed the Chairperson to prepare a summary of the responses for the information of the wider group. This summary was provided in public session.

Sunday Morning- Roundtable Brainstorming on the issues in respect of which recommendations may have to be considered by the Assembly

204. During this session, the Members were asked to think about the issues they felt required further consideration or examination to allow them to confidently be able to make recommendations to the Houses of the Oireachtas.

Other papers presented to the Members

Feedback from Roundtable Brainstorming Session at the first weekend

205. At the first weekend of the Assembly, the Members considered and brainstormed in private session on the topics and issues that they would like to hear about in subsequent weekends. The purpose of this exercise was to ensure that the Work Programme put before the Assembly addressed the topics and included the perspectives that Members identified as being important. Feedback was then provided from each table in plenary session and footage from this is available on the Assembly's YouTube Channel. This paper, available in Appendix E, is an edited transcript of that feedback session and includes a summary at the beginning of the key points raised across the room.

Draft Work Programme for remaining Weekends on the Eighth Amendment

206. Based on the feedback from the first meeting, the Secretariat developed a draft work programme for the Assembly for the remaining weekends on the Eighth Amendment of the Constitution.

Weekend Three: 4-5 February 2017

207. 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.

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

Saturday Morning- Session 1: Member Discussion on Submissions

209. The Members received a random sample of 300 submissions from the just over 12,000 submissions the Assembly received on the topic.

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

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

211. **Gilda Sedgh**, a Principal Research Scientist at the Guttmacher Institute in New York, provided a high level overview of abortion trends worldwide. Ms. Sedgh had been recommended to the Assembly by the World Health Organisation (WHO) based on her recent research in conjunction with the WHO, which was the subject of an article in the Lancet Medical Journal (“Abortion incidence between 1990 and 2014: global, regional and subregional levels and trends”) published on 11 May 2016.

Saturday Morning- Session 3: Case Study: The UK

212. **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.

213. **Dr. Peter Thompson**, consultant in Maternal and Fetal medicine at Birmingham Women's and Children's NHS Foundation Trust, discussed termination of pregnancy in the case of foetal abnormalities.

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

214. **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.

215. **Noeline Blackwell**, Chief Executive of the Dublin Rape Crisis Centre 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

216. **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

217. **Dr. Joan McCarthy**, Lecturer in Healthcare Ethics in the School of Nursing and Midwifery University College Cork, presented arguments from a pro-choice perspective focussing on the reproductive autonomy of the pregnant woman.

218. **Dr Dónal O'Mathúna**, Senior Lecturer in Ethics, Decision-Making and Evidence in the School of Nursing and Human Sciences at Dublin City University, presented arguments from the pro-life perspective focussing on the balance to be struck between reproductive autonomy and other ethical principles.

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

219. **Professor Gerard Bury**, General Practitioner 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 termination of pregnancy.

Sunday Morning- Reflective Exercise

220. On Sunday morning the Members undertook a further reflective exercise. The purpose of the exercise was to facilitate reflection on the Eighth Amendment in the context of what they had heard over weekends two and three, both from the experts and the submissions they had considered. A copy of the reflective exercise document is included at Appendix E.

221. The responses in the **reflective exercise** were collated by the Secretariat and used by the Chairperson, the Expert Advisory Group and the Secretariat to inform the ongoing work programme of the Assembly.

Other papers presented to the Members

222. The Members were provided with a list of all the advocacy groups, interest groups, other representative organisations and political parties who had made submissions to the Assembly. This document was compiled to assist the Members in selecting which groups they wanted to hear from at the March meeting of the Assembly. Each Member was asked to pick three groups, on both sides of the debate, which they wanted to hear from.

Weekend Four: 4-5 March 2017

223. This was the last weekend on which 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.

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

225. 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

226. The Members received three legal presentations at this session.

227. **Emily Egan**, Senior Counsel, practicing barrister, presented a paper on "The Role of Article 40.3.3° in Medical and Parental Decision-Making".

228. **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".

229. **Brian Murray**, Senior Counsel presented a paper on "Legal Consequences of Retention, Repeal, or Amendment of Article 40.3.3° of the Constitution".

Saturday Afternoon - First Hand Experiences

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

231. Hearing personal testimony allowed the Members the opportunity to hear first-hand about some of the effects of the issues they had been discussing at the previous weekends.

232. In presenting this testimony and in making the necessary arrangements for it, the Secretariat was guided by a number of key principles:

- That those who offer to share their stories are treated with sensitivity and compassion;
- That the stories put before the Assembly reflect a wide range of perspectives and experiences;
- That the stories do not imply any judgement on the decisions made by other women in similar circumstances.
- That the testimony offered is informative and will aid the Members in their consideration of possible recommendations to the Houses of the Oireachtas.

233. The Assembly heard testimony across a broad range of circumstances. At the outset, the Chairperson recognised that not everyone's lived experience could be captured in an exercise like this. However, the circumstances covered include those who had a crisis pregnancy and those who received a diagnosis of a fatal foetal abnormality or life limiting condition.

234. The women who were selected to share their personal stories were identified from those who had made submissions to the Assembly, whether directly or through representative groups.

235. In making the selection the Chairperson first selected from women who wrote directly to the Assembly and who indicated they would be willing to share their story with the Assembly. In order to ensure that a broad range of circumstances was presented, in relation to one situation, a representative group was contacted to assist with the identification of women who might be willing to tell their personal stories.

236. The Chairperson was assisted in the selection process by the HSE Crisis Pregnancy Counselling Service and academic support from the Crisis Pregnancy Counselling Skills Programme in Maynooth University.

237. The interviews were carried out by Dr Mary Ryan, Head of the Department of Adult and Community Education and Co- Director of the Counselling and Adult Guidance Programme in Maynooth University. Dr. Ryan is a therapist and educator/researcher with considerable experience of crisis pregnancy.

238. All interviews were pre-recorded for presentation to the Assembly. Approaching it in this way meant that the women in question were not presented with a challenging public speaking role. It was noted however, that some of the women participating indicated they would be prepared to address the Assembly in any format.

239. In all cases those giving testimony were facilitated to have their partners, a family member or a friend come along with them to support them and/ or be part of the interview process if desired.

240. A media professional was engaged by the Secretariat to both project manage the logistical elements and to undertake any editing that was necessary. This work was done by Sinéad Ingoldsby on behalf of the Assembly. Ms. Ingoldsby is a media professional with extensive experience gathering and documenting people's personal stories to be presented to a wider audience. Much of Ms. Ingoldsby's work has involved subjects of a particularly intimate and sensitive nature and she is accustomed to producing this content in a manner that puts the contributor at the centre of the process and facilitates them in the sharing of their experience.

241. The reasons for editing testimony of this kind are as follows:

- First and foremost, these interviews must be contributor-centered. In some cases, the women indicated they were anxious to protect their anonymity and therefore the edited version omits any identifying information.
- Aligned to this, there may be moments in an interview of this kind where someone may divulge information, which they do not want to share with a wider audience. They must feel comfortable in the knowledge that any aspect of what they say can be edited out at their request. For these reasons, the unedited versions of the interviews will not be made available to the public.
- Finally, the interviews were edited down to seven to eight minute vignettes, for presentation to the Assembly. This edit was necessary to allow the Members to hear from a broad range of circumstances, in the context of a finite amount

of time available to the Assembly. Given the intensely personal subject-matter, it was not considered appropriate to require the women to prepare a seven to eight minute contribution for delivery; instead, sensitive questions from a skilled interviewer have allowed women to tell their own stories, while at the same time retaining control over the final edited recording that was played to the Assembly.

242. A detailed information note was given to each interviewee in advance to explain the process in detail and to allow them to be as prepared as possible for the interview. A copy of the final edited version of the interview was provided to each interviewee in advance of the Assembly meeting in March. This allowed the Secretariat to ensure that each was satisfied that it was a fair representation of her experience as described in the full unedited interview.

243. The testimony was provided anonymously. The reason for this was that some of the women who have been interviewed sought anonymity. As such, in the interests of consistency each of the six stories were presented anonymously on the day.

244. Pre-recorded testimony from six women was played to the Members. (A transcript of each of the interviews is included in Appendix E).

Sunday - Advocacy Groups and Representative Organisations

245. At the February meeting of the Assembly, Members were asked to indicate which of the Groups and representative organisations that had made submissions 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 the Chairperson.

246. The decision took into account the perspectives of the Members at the February meeting 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.

247. 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. All of the papers and presentations by those who made them are available on the Assembly's website and are included in Appendix E.

Session One

- **Doctors for Life Ireland:** represented by Dr Orla Halpenny.
- **Doctors for Choice:** represented by Prof. 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 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.
- **Family & Life:** represented by Patrick Carr.

Session Four

- **Pro Life Campaign:** represented by Cora Sherlock.
- **Amnesty International:** represented by 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.

248. Following the presentations in each session, there was a questions and answers session in which the representative of each group (sometimes joined by an additional representative- up to two representatives in total were permitted) were questioned by the Members. All of these proceedings were live streamed on the Assembly website and are now available to view on the Assembly's YouTube Channel.

Member Reflective Exercise

249. Before proceedings concluded at the Fourth Weekend, the Members were once again asked to complete a reflective exercise. The purpose of the exercise was to allow the Members to make comments and preliminary suggestions on what types of issues they thought should be voted upon or included in a Ballot Paper. Members were advised that comments and suggestions could refer to legal avenues and/ or particular aspects of the substantive issue. Members were advised that these comments and suggestions would be used to help plan the work programme for the final meeting in April. A copy of this reflective exercise is provided in Appendix E.

CHAPTER 4: Submissions on the Eighth Amendment of the Constitution

Submissions Process

250. The Oireachtas Resolution states that *“the Assembly may invite and accept submissions from interested bodies and will seek such expert advice as it considers desirable”*.

251. Submissions on this topic were accepted from the 14 October 2016 to 5pm on 16 December 2016. Approximately **13,075** submissions were received, of which 8,092 were received online and 4,983 were received by post.

252. Of these, approximately **12,200** have been published on the website. In total 872 were not published. Of those originally received and not published the reasons for not publishing were as set out below.

253. Of the submissions received 529 did not comply with the submission rules/ guidelines in that-

- 415 were submitted anonymously online;
- 102 were received by post and had indecipherable signatures and were therefore deemed to be anonymous;
- 4 contained offensive or inappropriate material and therefore did not comply with the submissions rules/ guidelines;
- 8 were not relevant to the topic.

254. In addition a further 343 submissions were not published for the following reasons:

- 325 were duplicates (where the exact same submission was received more than once online with the exact same time stamp on the submission, thus indicating that the submitter hit submit more than once by accident);
- 18 requests for removal were received from submitters.

Submissions Rules/Guidelines

255. The following rules applied in respect of submissions received by the Assembly and were advised in advance. Subsequent decisions taken by the Secretariat during the process are in italics below.

- The Assembly welcomed submissions from Irish citizens and non-citizens living in Ireland or living abroad.
- All submissions received were published on the website and displayed with a full name (first name, surname)/name of organisation, if appropriate
- Anonymous submissions were not accepted. *Submissions made with just a first name listed are not being published. Equally, submissions received with an initial and surname (e.g. J Smyth) are not being published. **Exception:** Submissions received with a series of initials that are commonly recognised as being a name (i.e. JP, PJ, AP) and a surname were published.*
- *In the case of personal stories and sensitive submissions, all personal data and related identifiable details were removed or redacted if requested. These submissions are listed online as "Name with Secretariat", or NWS.*
- If an individual asks for his/her name to be withheld but had not submitted a personal story, only comment/opinion, the Secretariat contacted the individual to ask if would he/she like the submission removed as all submissions were published with a name etc (as above).
- If an individual indicated that he/she were under the age of 18 and requested that his/her name be withheld this was respected.
- Each submission received either on our website or by post, was treated as an individual submission including all signatures to that submission. If, for example, a submission was received with twenty signatures it was treated as one submission. If the same submission was received twenty times, each signed individually, they were treated as twenty submissions.
- The Assembly reserved the right not to accept a submission if it was deemed offensive or inappropriate.

Use of the Submissions and Discussion by the Members

256. The Assembly dedicated a number of sessions to considering the submissions received. The Members were eager to incorporate the submissions into their considerations. To assist with this, and following requests from the Members themselves, the Secretariat generated a random sample of 300 submissions which was circulated to Members in advance of the February meeting. A copy of the sample together with a note on the methodology as to how they were selected is available on the website.
257. The Assembly held a dedicated session to consider the submissions and the Members discussed them in private and then held a public feedback session.
258. Apart from that, many of the Members read the submissions online as they were published. In order to establish the level of engagement by individual Members with the submissions, the research team posed two questions in one of the weekend surveys. That revealed that a little over half of the Members had read at least 40 of the 120 submissions received from advocacy and other representative groups; a quarter had read more 80 or more of them. The trends are pretty similar regarding website usage more generally: a little over half of the Members had logged on to the website five or more times to read from the total submissions received by the Assembly.
259. The March meeting of the Assembly was almost entirely dedicated to information, testimony and opinions brought to the Assembly via the submissions process. The Members heard from women who had been directly affected by the Eighth Amendment. They also heard oral presentations from 17 advocacy and other representative groups that made submissions to the Assembly. The papers and presentations (where provided) are available in Appendix E.

CHAPTER 5: Engagement of the Public with the Assembly

Engagement with the Assembly

260. There was unprecedented level of engagement by the public both at home and abroad on the issue of the Eighth Amendment of the Constitution. This engagement has been through various sources

- The submissions process (which was dealt with in Chapter 4);
- Written correspondence with the Secretariat – by post and email;
- Phone calls to the Secretariat;
- Meetings with various interest groups.

261. Following the appointment of the Chairperson, a small team of five people was assigned to be the Secretariat of the Citizens' Assembly. The Chairperson and this team, headed by a Principal Officer on secondment from the Department of the Taoiseach, was responsible for-

- The establishment of the Assembly, including arrangements for the recruitment of Members and the procurement of services required by the Assembly;
- The development of the work programme (in conjunction with the Expert Advisory Group);
- Management of the submissions process (reading, recording, logging and uploading of over 12,000 submissions, pulling together lists of Advocacy group submissions and separately dealing with personal stories received);
- Arrangements for the Assembly meetings - contacting Members, arranging accommodation, contacting and making arrangements with all suppliers (including hotel, livestreaming company, sign language, Irish translation), arrangements for media and observers, including a regular media briefing in advance of each weekend meeting;

- Contact with Members regarding arrangements, meetings, accommodation, expenses, circulation of material before, during and after meetings, and dealing with any other issues that arose regarding Members including replacements for those who withdrew from the process.
- Dealing with all correspondence, queries, phone calls etc. to the Assembly; and
- Development and updates to the Citizens' Assembly website.

262. The main point of contact for members of the public and interest groups for the Assembly Secretariat is a central mailbox: info@citizensassembly.ie

263. To a lesser extent, queries are received by post to the Secretariat Office at 16 Parnell Square, Dublin 1.

264. To put the level of contact with the public into perspective, during a 7 month period from October 2016 to April 2017, the Secretariat responded to almost 2,000 e-mails and letters from members of the public, advocacy and representative groups and members of the Oireachtas. This was in addition to the 13,000 submissions received.

265. Queries ranged from general enquiries about the work of the Assembly to specific questions about submissions made on the Eighth Amendment of the Constitution.

Live Streaming at the Assembly

266. Following a competitive tendering process in advance of the Inaugural meeting of the Assembly in October, 2016, Richard Jolly TV Ltd/Switch New Media was selected to provide live streaming/broadcasting of the Assembly and any additional related services including filming, recording and the production of video files.

267. Not only has this team provided the filming, recording, live streaming and all associated video footage of the Assembly meetings but they have also gone the extra mile to assist with the Assembly website, the YouTube channel and the many technical queries that have arisen from the Secretariat, the media and members of the public.

Irish Language at the Assembly

268. Following a competitive tendering process, Beatrice.ie was selected to provide Irish language translation services for the meetings of the Assembly. Two translators for each day that the Assembly met were sought to provide simultaneous translation from English to Irish & vice versa for live streaming purposes, any additional related services including translation of written material (e.g. Ballot Papers, written submissions), if required, and technical support on site at the Assembly meetings.

269. The same translators have worked on all meetings of the Assembly to date. Technical support for the installation, testing, monitoring and removal of the booth and equipment has to date been provided by SICL who work in partnership with Beatrice.ie.

270. The interpreters ensured an exceptional standard and seamless delivery of Irish on the live streaming channel.

Irish Sign Language at the Assembly

271. Following a competitive tendering process, Bridge Interpreting was selected to provide Irish Sign Language (ISL) services for the meetings of the Assembly. Two interpreters for each day that the Assembly met were sought to provide interpretation services to broadcast proceedings on the live stream in ISL.

272. The same interpreters have worked on all meetings of the Assembly to date.

273. Engaging the services of Bridge Interpreting has enabled the Assembly to reach out to the deaf community and feedback from the community has been extremely positive. Prior to each meeting of the Assembly, Bridge Interpreting also place links to the live feed on their social media channels in order to reach and engage with as many members of the deaf community as possible. The interpreters worked seamlessly within the meeting room and delivered an exceptionally high standard of interpretation of very complex and emotive material at all times.

The Assembly Website

274. The Assembly has a dedicated website www.citizensassembly.ie. The Assembly Secretariat designed the website, with the assistance of technical support of pTools Software, and updates the content on an ongoing basis. It is designed to be topic-led and a valuable resource for all material relating to the Assembly.
275. All papers, presentations (by the Chairperson, Secretariat and invited speakers) and other documentation provided to the Members are available to read on our website. Detailed speaker biographies are also available. All press releases made to the media can be viewed and footage of the Assembly's proceedings can be watched back there.
276. Papers and presentations were made available online to the public on a rolling basis throughout the course of each weekend meeting. They were uploaded as the meetings progressed in the interests of allowing viewers at home to access the material being considered in real time.
277. When relevant, details of what was decided during private sessions of the Assembly were published on the website.
278. The website was the most popular mechanism for receiving submissions. As mentioned previously in this report, approximately 8,000 submissions were received online.
279. Just over 51,750 users have accessed the website to date, with over 281,100 page views. Activity peaked on the closing date of the submissions process, 16 December 2016, which saw 9,127 sessions.
280. The submissions received page has had almost 25,000 page views since we began publishing submissions in late December.

Attendance of Observers at the Assembly

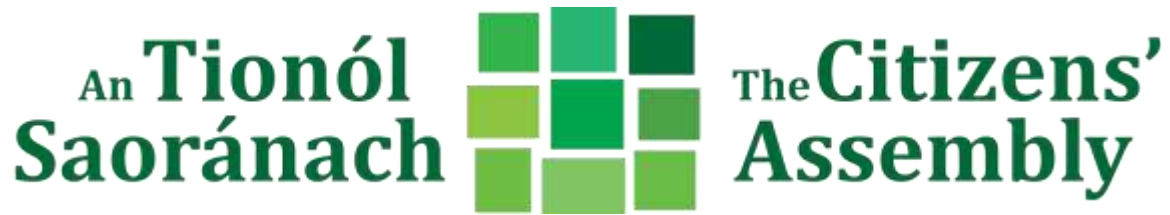
Background

281. In accordance with the Rules and Procedures of the Assembly, members of the public are not granted access to the meetings of the Assembly. It is recognised that certain organisations/ individuals may have a legitimate interest in being present at the meetings to observe proceedings first hand. Representatives from the following categories may be permitted to be present at the plenary sessions of the meetings of the Assembly:

- Advocacy Groups, Non Governmental Organisations and Religious groups
- Embassies
- Political parties
- Academics
- Social Partners

282. The Secretariat took steps to ensure that as many observers as possible were accommodated and no requests to observe the Assembly proceedings were in fact, turned down. The only limit that was put on observers was that a maximum of two people from each organisation could be in the room to observe live proceedings at any one time, in order to accommodate as many organisations and individuals as possible.

283. The Secretariat also arranged that proceedings would be streamed live in an overflow room in the Grand Hotel, Malahide, to accommodate any additional observers, and representatives of the media who attended.



Appendix A

**Resolution of Dáil Éireann approving establishment
of the Citizens' Assembly**

Resolution Approving Establishment of the Citizens' Assembly

“Go ndéanann Dáil Éireann:

a cheadú go ndéanfar Tionól Saoránach a ghairm chun breithniú a dhéanamh ar na nithe seo a leanas agus chun cibé moltaí a dhéanamh is cuí leis agus chun tuairisciú do Thithe an Oireachtais:

- (i) an tOchtú Leasú ar an mBunreacht;
- (ii) conas is fearr is féidir linn tabhairt faoi na dúshláin agus na deiseanna a bhaineann le daonra atá ag dul in aois;
- (iii) parlaimintí ar théarma seasta;
- (iv) an modh ina seoltar reifrinn; agus
- (v) conas is féidir leis an Stát a chinntiú go mbeidh Éire ina ceannródaí maidir le dul i ngleic leis an athrú aeráide; agus

a thabhairt dá aire:

- gur 100 duine mar a leanas a bheidh i gcomhaltas an Tionóil:
 - Cathaoirleach a bheidh le ceapadh ag an Rialtas; agus
 - 99 saoránach atá i dteideal vótáil i reifreann, arna roghnú go hamasach sa chaoi go mbeidh siad ionadaitheach do shochaí na hÉireann i gcoitinne;
- féadfar ionadaithe a cheapadh faoi réir na gcritéar roghnóireachta thuas, agus beidh na hionadaithe sin in ann páirt a ghlacadh sna himeachtaí agus vótáil faoina n-ainm féin;
- comhaontóidh an Tionól a rialacha nóis imeachta féin d'fhonn a ghnó a sheoladh go héifeachtach ar shlí a bheidh chomh heacnamúil agus is féidir;
- sa chéad ásc, tabharfaidh an tionól tuarascáil, agus déanfaidh sé moladh, do

That Dáil Éireann

approves the calling of a Citizens' Assembly to consider the following matters and to make such recommendations as it sees fit and report to the Houses of the Oireachtas:

- (i) the Eighth Amendment of the Constitution;
- (ii) how we best respond to the challenges and opportunities of an ageing population;
- (iii) fixed term parliaments;
- (iv) the manner in which referenda are held; and
- (v) how the State can make Ireland a leader in tackling climate change; and

notes that:

- membership of the Assembly will consist of 100 persons as follows:
 - a Chairperson to be appointed by the Government; and
 - 99 citizens entitled to vote at a referendum, randomly selected so as to be broadly representative of Irish society;
- substitutes may be appointed subject to the selection criteria above, who will be entitled to contribute to the proceedings and vote in their own name;
- the Assembly will agree its own rules of procedure for the effective conduct of its business in as economical a manner as possible;
- the Assembly will first make a report and recommendation on the matter set out at (i) above to the Houses of the

Resolution Approving Establishment of the Citizens' Assembly

Thithe an Oireachtais ar an nÍ a leagtar amach ag (i) thuas, agus ar an méid sin a fháil tarchuirfidh Tithe an Oireachtais an Tuarascáil lena breithniú chuig Coiste den Dá Theach, ar Coiste é a dhéanfaidh a chuid tátal a chur faoi bhráid na dTithe chun díospóireacht a dhéanamh orthu;

- tuairisceoidh an Tionól do Thithe an Oireachtais agus déanfaidh sé moltaí dóibh ar gach nÍ eile a luaithé a bheidh a phléití críochnaithe aige agus, in aon chás, tráth nach déanaí ná bliain amháin ó dháta an chéad chruinnithe den Tionól;
- iarrfar ar an Tionól freisin breithniú a dhéanamh ar cibé nithe eile a tharchuirfear chuige;
- bunófar Gasra Comhairleach Saineolaithe chun cabhrú le hobair an Tionóil, ó thaobh faisnéis agus comhairle a ullmhú;
- féadfaidh an Tionól aighneachtaí a iarraidh ó chomhlachtaí leasmhara agus glacadh leo agus lorgóidh sé cibé comhairle shaineolaíoch is dóigh leis is inmhianaithe;
- déanfar gach nÍ a bheidh os comhair an Tionóil a chinneadh trí throllach de vótaí na gcomhaltaí a bheidh i láthair agus a vótálfaidh, seachas an Cathaoirleach a mbeidh vóta cinniúna aige nó aici i gcás comhionannas vótaí; agus
- tabharfaidh an Rialtas freagra i dTithe na Oireachtais ar gach moladh a dhéanfaidh an Tionól agus, má tá sé chun glacadh leis an moladh, cuirfidh sé an creat ama in iúl ar lena linn atá sé ag brath aon reifreann gaolmhar a sheoladh;

Oireachtas, which on receipt will refer the report for consideration to a Committee of both Houses which will in turn bring its conclusions to the Houses for debate;

- the Assembly will report and make recommendations to the Houses of the Oireachtas on each remaining matter as soon as it has completed its deliberations, but in any event not later than one year from the date of the first Assembly meeting;
- the Assembly will also be asked to consider such other matters as may be referred to it;
- an Expert Advisory Group will be established to assist the work of the Assembly in terms of preparing information and advice;
- the Assembly may invite and accept submissions from interested bodies and will seek such expert advice as it considers desirable;
- all matters before the Assembly will be determined by a majority of the votes of members present and voting, other than the Chairperson who will have a casting vote in the case of an equality of votes; and
- the Government will provide in the Houses of the Oireachtas a response to each recommendation of the Assembly and, if accepting the recommendation, will indicate the timeframe it envisages for the holding of any related referendum.”

July 2016

Appendix B

**Reflective Exercises completed by Members of the
Citizens' Assembly on 23 April, 2017 upon which the
Ancillary Recommendations from the Citizens'
Assembly are based.**

Containing:

- **Note explaining purpose of reflective exercise**
- **Copy of form used by the Members**
- **Responses Returned**

APRIL Meeting of the Citizens' Assembly

Reflective Exercise

Across five weekends between November 2016 and April 2017, the Citizens' Assembly met to consider the first topic outlined in the Oireachtas Resolution, *the Eighth Amendment of the Constitution*.

The members had consistently indicated that they wished to see wider policy issues, as distinct from just legal changes, reflected in the recommendations of the Assembly.

The purpose of this exercise was to allow the members to make comments and suggestions on such further recommendations to be referenced in the final report. A copy of the form distributed to allow for the expression of these recommendations is on the next page.

Completion of the form was not mandatory and the responses below were returned to the secretariat voluntarily.

A summary of the key issues and recommendations that arose most frequently from the members comments is contained in the main body of the Report. In the interests of clarity and transparency, the text of 74 completed forms is included verbatim here.

Member Reflective Exercise

Across five weekends between November 2016 and April 2017, the Citizens' Assembly met to consider the first topic outlined in the Oireachtas Resolution, the Eighth Amendment of the Constitution.

This weekend members have voted on a series of ballots encompassing a number of recommendations to be made to the Oireachtas.

The purpose of this exercise is to allow you to make comments and suggestions on further recommendations to be referenced in the final report which will be prepared by the Chair of the Assembly to be submitted to the Oireachtas by the end of June 2017.

Responses Returned

Response 1:-

I would like to recommend that it be highlighted that the majority of terminations sought by Irish women are not due to any of the “reasons” mentioned in ballot 4b.

I would like to recommend to the Oireachtas that should a referendum be called, they use the information collected and presented to the Citizens’ Assembly to inform our fellow citizens so they are in a position to make an educated vote.

I would also like it to be noted that many citizens, myself included, did not want to be in a position where they decided when a termination was justified for a woman and believe that this is a medical and not a political issue, but there was no opportunity to express this on a ballot.

Response 2:-

The last 5 weekends of the Assembly have been time consuming, hard working, tiring and frustrating but above all rewarding. Knowing what was involved, I would most certainly do it all again. I am an ordinary working person who will never stand for office and the opportunity to influence the Constitution of the country was an honour.

My only fear is that the Dáil Committee will not encompass the recommendations of the Assembly to remove Article 40.3.3° from the Constitution and replace it with a simple statement that only the Dáil can enact legislation on terminations, with no added caveats.

Response 3:-

Having been afforded all the insight that we have gained over months of presentations and accounts of extremely difficult and personal experiences, I feel it is important to stress how I feel these challenges are unique to each case and by their very nature, extremely personal. Therefore, I strongly feel that it is not the place of a

national Constitution to stipulate how a person must act when faced with these traumatic challenges.

I strongly feel the strong mandate for change which I hope will be implemented by the Oireachtas should further include a clear shift away from criminalising and isolating individuals who struggle to find, in this country, safe and compassionate medical care and support. I would strongly recommend that individuals along with their partner and families should be afforded privacy and space in which to make extremely delicate and important decisions regarding their medical care and have the full opportunity to access the safe, medical treatment they may require, in their own country.

Placing any restrictions around access to such services will further risk leaving people who may find themselves in the most vulnerable of situations, physically and mentally unable to seek the help they need.

Response 4:-

I feel that considering the amount of time that the Assembly has spent listening to expert speakers reading and reviewing the papers that were presented to us and so informing ourselves of the facts regarding Article 40.3.3°, the Oireachtas Committee should also hear questions and read the views of the aforementioned experts. This way they should be able to arrive at a balanced and unbiased conclusion not based on party politics.

Response 5:-

I recommend that silly questions should not be justified.

Response 6:-

I would like to see something put in place that specifically recognises each citizen's right to reproductive autonomy. The unborn being considered a citizen is a very strange and unusual circumstance that is unique to Ireland as far as I am aware, being considered unique is not a compliment in this regard (in my opinion).

I would like to see abortion explicitly decriminalised as soon as possible. Legislation enacted to do so/alteration of 2013 Act. It is not a deterrent. Therefore, it is not effective and it's barbaric.

I feel that we cannot forego establishing better maternal healthcare systems, better family planning services that are fully funded and widely accessible. Maternal healthcare should be equal, free and implemented in the same way countrywide, same access for all!

We also need to work on our sexual health and relationship education particularly around the areas of contraception and consent, with young people particularly.

Information is key, we need to establish methods of adequately informing our citizens of all issues relating to sexual health, consent, maternal care in schools, colleges, youth clubs and onwards.

Response 7:-

The voting that we the Assembly have made over the weekend has been in my view a very successful weekend and outcome for the process. One recommendation I would have is when this goes to Committee and both Houses of the Oireachtas that a timeline/deadline is put on this as I think the country deserve this to be resolved. Lastly, the Chairperson and Secretariat are to be congratulated on a very fine job done.

Thank you.

Response 8:-

I would like and hope that when all the information we have given today on our ballot papers, be given prompt attention by the Oireachtas.

Response 9:-

I feel it is important to highlight to the Oireachtas Committee that any and all recommendations made by the Assembly must be taken seriously and should be referenced in their discussions. At present the Assembly members represent the most well informed group in all aspects of the issues. Further, given that we were given a deadline for our work they must be urged to act in a timely fashion. I also feel it is important not to explicitly state any specific health conditions in the recommendations to ensure enough scope for the legislation to be effective in its intended manner.

Response 10:-

No matter what I believe option 8 of ballot 4b should be in the report – every story is different. All women should not be made feel like criminals for knowing their own mind.

The report should strongly recommend that with this constitutional change there needs to be a change in the health services e.g. costs, resources and available services to all women.

It should be strongly recommended to the Oireachtas that when this ... (because unlike others here I believe in democracy and that Ireland needs & wants this change) that all sides of the argument are presented equally and they use the information that we have been given here at the weekends.

Response 11:-

I would like to recommend that they discuss the financial aspects of a termination. Who is going to pay? How much? Will it be covered on a medical card or will people be means tested etc.

Will there be clinics in Ireland to terminate or will people still have to travel to England? The financial expense often leads to a later termination for women.

Will there be counselling and support services set up for women?

Response 12:-

I have full faith in Justice Laffoy and her capabilities to compile the report and recommendations. I wish to have finance included in the recommendations. Who will fund the procedures if they are needed.

Also screening and testing for foetal abnormalities should be a right for women from the minute they present at a maternity hospital.

Response 13:-

National Maternity services should not be led by religious orders.

Maternity services need funding.

Government must action the democratic result of the vote.

Repeal lost because many citizens didn't trust the Government.

Response 14:-

I would like to make suggestion of putting proposal to HSE/Government of providing all healthcare connected with the termination of pregnancy to be free of charge, similar to GB model. Thank you.

Response 15:-

An ancillary recommendation which I believe should be taken into account is that free birth control programme/policy be introduced. In 2009/2010 the US state of Colorado introduced a free birth control programme. Over a 5 year period this led to a 42% fall in abortions, a 40% drop in unintended pregnancies and millions saved in public health cover. This should be looked at as a preventative and saving measure,

not using abortion for this means. For every \$1 invested in this programme in Colorado, \$5.85 was avoided within a 3 year period on the States medicaid programme.

Response 16:-

I think all votes were carried out in a fair and proper manner.

The Assembly in my view has done excellent work.

I think the secretariat will in conjunction with the Judge produce a very good final paper for the Oireachtas.

Response 17:-

I would like the Oireachtas to consider the language used and to recognise the necessity of including terminology that expressly details self autonomy of the female reproductive system as it will then demonstrate the respect it has for women in Irish society.

It appears that the implied rights of the unborn will remain which is fair. However, there is no implied or specific rights for the woman. I felt that we need to document that we now recognise that they need to be included more specifically.

Response 18:-

Reference needs to be made to female reproductive rights and autonomy. Women must not be constricted by doctors on matters such as medical decisions during pregnancy. A woman should have the right to consent to procedures and should not be forced to do so by actors as often happens.

There should not be a distinction between physical and mental health. Both are equally important.

Response 19:-

The Citizens' Assembly urges the Oireachtas to act in a democratic manner and hold a straight referendum on retain, repeal or amend before wasting time and money on partial change in order to avoid further revisiting and to acknowledge that 92 people is not representative.

The Citizens' Assembly compels the Oireachtas to confirm a woman's right to informed consent including during pregnancy and childbirth. Furthermore, the HSE must be required to update all documentation, policies and procedures including patient information leaflets to ensure informed consent is prioritised above hospital policy and that audits are conducted to ensure compliance.

The Citizens' Assembly has voted to suggest a more liberal termination regime, however it also compels the Oireachtas to provide a real choice and therefore invest appropriately in the following services:-

- Perinatal mental health;
- Neo-natal hospice/palliative care;
- Disability support services;
- Carers support;
- Maternity services including anomaly scans, homebirth and midwifery led care.;

Remove all public hospitals from religious ownership, management, influence or interest.

Response 20:-

The Oireachtas Committee should read all documentation and watch all presentations/Q&As to ensure they are as informed as the members are. Test them! We don't trust them.

To quote the paper of the ICGP " ... removing all remaining obstacles and barriers to contraception for all women almost certainly holds greater potential in terms of

reducing the numbers of crisis pregnancies in Ireland ... and ultimately reducing the number of terminations". We need free and easily obtainable contraception for everyone.

Religious orders should have no involvement in any public hospital. This is especially important in the context of termination services.

Response 21:-

My recommendations would be to ensure no religious order have any input to the running of a medical facility which provides care and treatment to women seeking termination services.

Termination services should be publically funded and located within (ease of access for women) in each county.

Family planning services should be free to all in Ireland

A comprehensive sexual education programme needs to be implemented in schools.

Response 22:-

Have a real concern that a number of issues, regarding medical health of women, are dealt with in hospitals which have a clear religious ethic, I was disappointed to find that we seem to have learned nothing from our history and once again are moving forward to provide a religious order with the running of a taxpayers maternity hospital. This is an untenable situation. No public hospital should be under the auspices of any religious order.

Contraception should be free.

Response 23:-

Generic: a general overall of how the State conducts training and education, at all levels and ages is essential. When people can openly and freely discuss all of these difficult issues, with informed minds, this country will be better for it.

Specially trained (and comprehensively) teachers from DoE/HSE should operate nationwide and visit secondary schools 2-3 times during the course of secondary education, at third level and operate info distribution for all. Eg. Free education videos for appropriate age groups. One body controls all of this; joining all the dots. If a girl at school gets pregnant, she has an instant reference in the school ... educators (see above) come in from outside the school. The former person should be trained in said matters and act as “triage” for the girl. If required, this controlling body can locally provide further info.

“Normalise” the talk on all of these subjects. That is, contraception, physical sex, STDs, questions, sexual expectations, porn, relationships (sexual, family, friends, etc.) EVERYTHING! Be ambitious and more fruit will be borne. Use ongoing publicity – ad campaigns (TV, radio, etc.)

Eugenics: the ballot papers paid no regard to this and I think it has a huge bearing in the medium to long term. Under no circumstances should the State subscribe to a policy of eugenics or any activity that promotes/endorse same. It is so serious I believe it should be placed in the Constitution. This area too should be openly debated and discussed.

Punishment: whether a female has/hasn’t an abortion, this country should take the stance of supporting/aiding such a person regardless of their circumstances. Remove all stigma involved for the health and welfare of all concerned. If a female becomes pregnant, or never, it’ll help all females in the future. All fear of punishment (prison sentences, fines etc) must be removed immediately.

Rape: punishment in this area must be changed to place the onus on the rapist to report the event – not on the victim to come forward. In the same way it is a crime to

leave the scene of a car accident the rapist's punishment should be doubled/incremented for not reporting the rape in a timely manner.

Response 24:-

It's extremely important that the Oireachtas move to call a referendum as soon as possible. We have spent months deliberating on this topic and the public needs to have an opportunity to vote on this topic. Women need this service to be provided in Ireland as soon as possible.

Abortion medically up to 12 weeks should be available at a low cost to all women in Ireland.

The later stage medical and surgical abortions should be treated as a healthcare in maternity care issue and be covered by the State/HSE.

Response 25:-

How abortion services will be set up, accessible, funding – this will need to be worked out. Private companies operating as a business may not be the right option.

Response 26:-

First I would like to thank you all for allowing it possible for me to take part in this process.

I feel me were at all times presented with information and material that was easy to understand and where one did have problems, explanations were at hand. The work behind the scenes must have been over powering at times.

I am happy that we have made the recommendations to bring about change and feel we are on the right path for all specifically the mother and baby.

I must say it is very important to me that point 8 is included and it would be my hope that gestation stage would be 12 weeks.

Response 27:-

I would like to add to the final report that any legislation made by the Oireachtas, that it be majorly emphasised that the Oireachtas be well informed on ALL topics/reports that were put to the Assembly.

My reasoning for voting to allow the Oireachtas to legislate was ONLY to stop any confusing legislation be put into the Constitution and therefore the availability of terminations of pregnancy not be accessed by women more easily.

Response 28:-

I would like for some real reference to be made to the serious need for assistance to be given to socially disadvantaged either due to poverty or because of being non citizens who have crisis pregnancies.

I would also like to state that a lot of the rights of women as set down in this Assembly will not improve due to the fact that (illegible) required and tests needed are not available to them in a timely fashion due to economic or geographic restrictions. Some provision needs to be made to cater for their needs.

Response 29:-

Decriminalise abortion in Ireland.

Make early screening (chromosomal) approx 10 weeks free for all women and recommend it (equal access to healthcare).

Increase counselling services for all women across the country.

Increase education and awareness for all teenage girls on crisis pregnancy (sexual health) etc..

Abortion provided by the HSE not private operators as in the UK.

Response 30:-

I have no further comments or suggestions to make and have been extremely satisfied with the manner that the whole exercise has been accomplished. Well done to all involved and thank you very much for the opportunity. (name with Secretariat)

Response 31:-

I would like to see the HSE provide, as a matter of urgency, earlier scans to pregnant women. Especially women who may be attending prenatal care in rural areas, outside of centres of excellence in Dublin, Cork, etc.

I would like to see investment in peri-natal hospice care for those women who would like to access this care path when faced with a diagnosis of fatal foetal abnormality. I would like to see a referendum on the 8th amendment within a year of the Justice's report being presented to the Oireachtas, as women in this country can no longer wait to have this law changed.

I would like to see any referendum campaign being aided by experts, in the legal and medical care as to try to provide balance to the emotive and fractious presentations as present to us by interest groups on both sides.

I would like to see investment in sex education, empowering our girls and boys on issues around consent, and protection.

Response 32:-

I would strongly recommend that the Chair of the Assembly highlights in clear language that the rights of the unborn, whilst not explicit in the 4B ballot paper are implicit in reasons 1-3 & that this countervailing right of the unborn forms part of the responsibility which the Assembly voted in favour of on Ballot 3 when we ceded explicit authority to the Oireachtas to legislate "Both termination of pregnancy and any rights of the unborn".

Response 33:-

I hope that the Oireachtas will have all the factual information from medics and legal experts that we heard in order to draft legislation to reflect our recommendations.

Equal access to proper screening for all women regardless of economic or geographical status.

That the Oireachtas will ensure that the best practice of other countries will be adhered to.

That G.Ps have autonomy to prescribe RU486 to women in the first trimester.

That anomaly scans are available to all women.

Proper counselling services to be accessible to all women before/after decisions are made.

Proper sexual health education to be promoted through usual channels but also through social media as a way of targeting all sexually active people.

Response 34:-

Whatever recommendations are made by the assembly in relation to our current abortion laws, in my view it is important that all women receive any necessary (scans anomaly) and any other required treatment free of charge so as to detect any foetal abnormalities.

The Assembly put great time and effort into coming to the recommendations to the Oireachtas. I hope they carry out our wishes in whatever other proposals they put to the country in the referendum.

Response 35:-

I do think that there should be a recommendation that abortion pills should be decriminalised.

Also as said at the meeting yesterday I feel that there was too much weight given to paper of Brian Murray. The judge did emphasise prior to the vote that his (Brian Murray) opinion on the uncertainty around a clear vote for repeal.

I do not feel that the uncertainty around all other aspects of the law was similarly emphasised. This confused some members. Also we got several issues of his paper.

Response 36:-

Maternity services need to be vastly improved to ensure that a foetal abnormality is discovered early in the pregnancy.

Due to the stigma of termination in Ireland, free counselling should be provided before and especially after.

Response 37:-

It seems that there is now no provision for the protection of the unborn. The focus has shifted totally to termination of pregnancy and I find this extremely worrying and in conflict with the overall meaning of our constitution. We have also had problems during this last weekend with lobbyist huddles.

Does the unborn no longer have any right to life or protection?

Also this final vote means that if you vote never to any one of the circumstances and the majority vote in favour you have then lost your chance to have any say in the gestation period.

This could mean that there is a more radical shift than the majority of the citizens intended.

Response 38:-

I have thought from the outset that the system on termination in Ireland has to change. I believe that the recommendations of the Citizens Assembly will change the policy for the better in the country and that the Oireachtas should follow the recommendation.

Response 39:-

State funded access should be available to gynaecological care for all pregnant women including but limited to:-

- Pre 12 week scans from all pregnancies;
- Access to non-invasive screen tests to determine the welfare of the foetus;
- Past 12 weeks scan at a point where foetal abnormality can be reliably determined.

Response 40:-

I would like to see a commitment to education – so that the people can [illegible] reproduction more seriously.

There has been no scope for discussions about the role, responsibility and rights of the father which should be reviewed.

This has been a very good experience of deliberate democracy.

Response 41:-

Screenings should be available to all females notwithstanding their geographical location or socioeconomic background.

Redress system for the health complaints in the event of an abortion service becoming available in Ireland.

Geographic spread for the service availability.

The “language” used in documentation and in the law should be concise and in plain English.

Response 42:-

Anomaly scan available to all across the country has been recommended by many scholars over the course of the abortion discussions.

Language is important in the presentations of questions when designed by legislators. I would like to suggest one use of, “*Female bodily autonomy in pregnancy as in health.*”

I believe this projects a positive image of female empowerment rather than the old Irish culture systems of “irresponsible women” or “bad women.”

An abortion service should be standards based and evaluated regularly.

Response 43:-

If the Act is changed please ensure that the life of the mother is not endangered in any way.

Response 44:-

If abortion is legalised where will funding come from to support this, as at present of the health care sector is not coping well re the people on trolleys in hospitals and by waiting lists in Ireland. This will be an extra strain on the health care budget.

Can people on medical forms be entitled to get it free or what way will people or citizens choose to pay for procedure?

Response 45:-

New regulatory frame work should be put in place to make sure women have equal and unimpeded access to the highest standard of reproductive health care, including abortion.

Women's right to autonomy to make their own decisions should be recognised through health care policy including access to abortion service in Ireland.

Reproductive health policy should include integrated abortion services with the wider maternal and reproductive health services by the HSE.

Abortion should be decriminalised.

Scans available where all reproductive services are provided.

This service should be provided free at access including the morning after pill.

Response 46:-

I would hope that the final recommendations would indicate clearly that abortion should be considered a medical and not a morale issue and even if we eventually vote for liberalisation of laws around abortion some consideration should be given to the cost financially to poorer citizens and consideration should be given to the idea that abortion should be free at all the point of delivery to all.

Response 47:-

I feel that the general public don't understand that repeal means leaving it to the government to do about legalising abortion. Amend seems to me that we, the public, have more control over what changes are made.

Response 48:-

Funding: I think it is very important to highlight as an ancillary point that this is going to have a huge impact on our country if we vote to bring in abortion clinics and abortion services to this country. Are we in a situation where this is going to be a medical card procedure and those who don't qualify for a medical card are left to

scrape money together or to turn this on its head are we going to leave the entire burden on the tax-payers and lead to greater challenges for the HSE finance team.

This needs serious consideration in my opinion as if implemented in a flippant way, could involve investors leaving our country or choosing not to locate here. We can't take this chance.

Can we afford to bring in abortion services is the essence of my query.

N.B. Access to Care. Please be care in regard the policy. It is so divisive, so emotive.

Response 49:-

I am proud to have taken part in this process.

Overall the equality of the presentations was excellent. Organisation always superb.

Brian Murray's presentation caused confusion for some. There should have been a second presentation/paper on this topic (Brian Murrays one). The timing of the distribution of his revised paper (in which the changes should have been highlighted) could be construed as having the intent to influence the voting in the ballots.

I experienced a small number of difficult members.

Note from Chairperson: At the fourth weekend meeting of the Assembly, the Members received a paper from Brian Murray S.C. on the "Legal Consequences of Retention, Repeal, or Amendment of Article 40.3.3° of the Constitution". Given the importance of that paper, it was deemed appropriate to include it again in the packs given to Members on the final weekend. Due to a clerical error, an earlier version of Mr Murray's paper, i.e. not the version provided to Members at the fourth weekend meeting was included in the Members' packs. For the sake of accuracy a revised version, i.e. a copy of the version provided at the fourth weekend meeting, was given to the Members as a replacement on the day, 22 April 2017.

Response 50:-

That all women have access to the same standard of obstetrical care and to include early scanning and testing.

Response 51:-

I have no further comments or suggestions to make on any further recommendations.

Response 52:-

I feel that the greatest concern of the Assembly is political inaction. The ballot to replace rather than delete 40.3.3° and subsequent ballots to grant legislative powers to the Oireachtas both passed by quite narrow margins. I think that this is because given the Government's historical unwillingness to address the subject, many members fear that once the 8th Amendment is repealed, there could be laws enacted that do not broaden access to abortion to any significant degree.

I feel that once the issue is brought to referendum, the Government should comprehensively state its intentions going forward, legislating as regards abortion as well as a robust rationale as to how these intentions reflect the desires of the public.

Response 53:-

That the Oireachtas Committee do not adopt any more deferring or delaying tactics but ensure that legislation is prepared and put to the Dáil with all haste. The circus around water legislation seriously worries me about the seriousness with which they take account of this issue – lack of leadership!

Response 54:-

If there are restrictions as to the termination of pregnancy introduced then I feel that the current situation in the case of “real and substantial risk to the life of the woman by suicide”, where a woman has to get approval by 2 doctors, is too severe so

therefore I hope that approval will be less decriminalising as then only one doctors opinion would need to be sought.

Response 55:-

My fear after the voting of this weekend is the complete lack of empathy for the unborn baby. Not one mention of the consequences of destroying the life of the most vulnerable – the baby in the womb who has no say in its future.

Very disappointing.

Response 56:-

The Constitution should not be used to regulate abortion but should allow the legislature to legislate.

The role of the medical profession at every stage should be provided for in legislation and no restriction should be put on doctors to treat their patient in what is the very best interest of the patient.

Response 57:-

I feel the preparation discussions informing the developing of the Eighth Amendment was discussed to the best of the citizen's ability.

We have bought back our recommendations to be forwarded to the Government.

I would hope our good work has been put to good use for the welfare of the up and coming female population.

Response 58:-

I am now clear on the voting and have made up my mind on what way to vote.

It has been mentally tiring.

I will be glad to move on to the next topic but I feel this has been constructive and hope the legislature use our deliberations.

On the 8th amendment I would like to submit that fathers get some say in any abortion legislation because I feel they have been overlooked in this debate.

Response 59:-

I think all of the recommendations the citizens have expressed have been aired, noted and listened to - and acted upon.

(An aside) It might be time (once again) for facilitators to intervene when citizens are spending quite a bit of time on their iPhones, twitter checking etc. It's distracting and rude.

Response 60:-

Decriminalise facilitating or obtaining terminations of pregnancies.

Response 61:-

Regulate pregnancy advice centres.

Improve sex education in schools. Separate Church from State.

Remove all criminal sanctions relation to women accessing abortion.

Implementation of an opportunity for women to have abnormality testing free of charge if they choose.

Response 62:-

The Oireachtas must ensure that the women are no longer forced to travel abroad for a termination. Women of Ireland must be provided with the opportunity to avail of all their medical needs in respect of a termination of pregnancy. A termination of pregnancy should be decriminalised when carried out by a medical professional.

Response 63:-

Now that the members of the Assembly have taken 5 weekends to discuss and debate the issues of article 40.3.3°, that the members of the Houses of the Oireachtas will take over the recommendations seriously and not just pay lip service to us.

Response 64:-

We all want a better Irish society and I think/believe that all the efforts in the admin of the assembly and the efforts of the citizens are absolutely striving to achieve this (progress) and I am honoured to be a part of it all.

I have faith in our Oireachtas that they will consider our recommendations.

I just hope that my fellow citizens outside of the Assembly will not (take) our recommendations as liberal but more as a compassion and trust the reasons why women (doctors advise) to opt for terminations.

Response 65:-

I thoroughly enjoyed my right to express my opinion in this method of democracy and would look forward to taking part in any future topics/discussions.

To give a criticism I would have liked more clarity on the difference of repealing as opposed to amending.

Response 66:-

Other Recommendations to include in final report:-

- To develop a comprehensive education programme re contraception, consequences of unplanned pregnancy, abortion to target students, youth groups;

- To provide free after care for anyone who has had an abortion – to de-stigmatise it, remove the “fear”;
- To prioritise cases of unplanned pregnancy as a result of rape so that burden of proof can be dealt with quickly;
- To improve maternity services so that anatomy (anomaly?) scan is available to all women at 18 weeks.
- To make available public funding for whatever is adopted in legislation

Finally this has been a very difficult topic. We have tried to deal with it compassionately. There should be no victory rolls by pro-choice or doom and gloom by pro-life, can both recognise that Ireland has moved on and that change is needed and work together on that change rather than against each other - that applies also to the Houses of the Oireachtas.

Response 67:-

As a member of the Citizens Assembly, having seen the work and commitment of the Assembly, I am hopeful that our work will be of value to the Oireachtas in changing the 8th Amendment and finally having the women of Ireland cared for in Ireland.

Where a woman needs a termination of pregnancy for the reasons agreed, they will not have to travel to another country in the future.

Response 68:-

That the Oireachtas should take into account the socioeconomic conditions for pregnant women who wish to proceed with their pregnancy.

The scans/blood tests to determine the health/physical condition of the foetus at 12 weeks gestation should be available free of charge to all pregnant women.

Response 69:-

New and improved sex education programme to be delivered in all 2nd level schools.

Counselling for all pregnant women seeking abortion setting out all options.

All abortions must be carried out in approved public maternity hospitals and covered by the State.

If the pregnancy is the result of rape, the necessary evidence of rape should be the reporting of it to the police.

Abortion should only be available to people resident in the country.

Response 70:-

We cannot introduce more freely available abortion without also making legislation that makes things easier for the women and mothers:-

- Better childcare included paying early childhood professionals a proper wage.
- Free contraception. This is a no brainer and dumbfounding that this is not already the case.
- Proper health care for disabled children
- Enable parents to parent children!

If this is done, when we do enable abortion it will not be a flippant decision.

Response 71:-

Given the members have voted to amend article 40.3.3° to allow the Oireachtas to legislate for abortion I would like to make the following recommendations:-

- Maternity services funding should be made available to increase the availability of anomaly scans for all pregnant women. In addition, consideration should be given to making freely available screening test prior to 20 weeks to all pregnant women.

- Sexual health in conjunction with the liberalisation of Ireland's abortion laws, subsidisation of contraception should be considered to assist with reductions in crisis pregnancy.
- Primary care - increased funding for sexual health education at community care level should be considered in tandem with liberalisation of abortion laws. In addition, G.Ps should be granted the power to prescribe abortion pill for patients provided this within the legal framework yet to be decided.

Response 72:-

Exploration: Health versus morality issue

- Details of how terminations will be funded here in Ireland going forward.
- Full autonomy over own reproductive system.

Recommendation:

- Access to equality/equality of provision of some obstetrical care.
- Children are cherished and protected here – the Irish constitution has been a beacon of hope – some people may want similar provision in place.
- Testing of claims of rape – necessary procedure/protocols.
- More debate on issues (re) liberalisation.
- Additional resources need to be made available - health and sexual education, mental health education especially re: possible post natal depression, depression, self care.
- Referendum will fire all of the people to say going forward - people under 50 never had a say – so interesting days ahead.
- Advisory Centres Available

Response 73:-

There ought to be a more cohesive and welcoming societal behaviour towards women in Ireland, and this should be reflected by policy decisions.

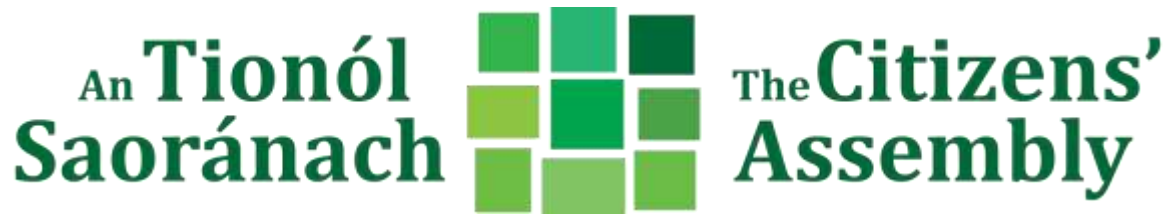
Additionally, whilst the government should be liberalising abortion laws in Ireland, they should try and reduce the number of women who will need an abortion through sexual education, additional resources for mental and physiological health services, economic assistance if needed and the severe reduction through education of the misogynistic allure of rape and abuse.

The Oireachtas should move to liberalise abortion, and allow for the women of Ireland to feel genuinely cherished by their own nation. (i.e. they should never be made feel alienated for needing abortion, and should be able to choose and be supported whatever their decision.

Response 74:-

A comprehensive range of:

- The provision of medical services, counselling to support pregnant women, across the full spectrum and within all geographical areas.
- With the advancement in medical sciences likely to continue in future years, greater safe guards should be introduced if revisions to legislation to protect unborn who may not have life limiting conditions or who would have prospects of survival in life which are not now evident.
- There is need in the context of a changing environment including liberalisation of (illegible) attitudes towards “termination”, for state supported promotion of the value and sanctity of human life in the unborn through programmes in schools.



Appendix C

Citizens' Assembly Rules and Procedures

The Citizens' Assembly

Revised Rules and Procedures

1. Timing, Frequency and Openness of meetings

Meetings of the Assembly will generally take place in a hotel at weekends (Saturdays and Sundays) during 2016 and 2017. Full details of the proposed dates for these meetings are available on www.citizensassembly.ie. Members of the public will not have access to the meetings but the plenary sessions will be streamed live at www.citizensassembly.ie.

2. Role and duties of the Chairperson

The Chairperson shall be the sole judge of order and shall be responsible for the smooth running of the Assembly in accordance with these rules and the terms of the Resolution of the Houses of the Oireachtas of July, 2016. She shall engage such support services as are necessary for the effective administration of the forum and, from time to time, make such recommendations to the Assembly on the management of business as she sees fit.

3. Work Programme

The work programme shall be agreed by the Assembly on foot of a proposal by the Chairperson. The programme shall be reviewed regularly but any subsequent changes shall only take effect with the agreement of the Assembly.

4. Steering Group

A Steering Group shall be established to support the Assembly in the efficient and effective discharge of its role and functions. In practice, the Group shall assist with planning and operational issues associated with the work programme. The Steering Group shall consist of the Chairperson and a sample of the members (need to consider how these would be selected and if they would rotate) and such other representatives as the Assembly sees fit.

5. Protection of Members' Privacy

While the names and general areas where Members come from will be made available on www.citizensassembly.ie, other personal details of the Members will be treated in strictest confidence. Any individual or organisation which attempts to contact a Member

to try to influence their views on a particular topic will be automatically excluded from taking part in the Assembly.

6. Debates/speaking arrangements

The format and structure of speaking arrangements shall be agreed in advance and as a general principle, all contributions by members should be brief, respectful and non-repetitive. Any member wishing to speak should indicate and will be called upon by the Chairperson, who will endeavour to ensure fairness in the allocation of speaking time to all members. In an effort to make most efficient use of time in plenary session, members are encouraged to use the opportunity of roundtable discussions to express their views, ask further question of the experts and deliberate with one another. These discussions can be reflected in a brief report to the plenary session.

7. Tabling and Circulation of Papers

All documents received by the Assembly secretariat shall be made available to all members of the Assembly via the www.citizensassembly.ie website. Alternative arrangements will be made for those members who are not in a position to access the site. Deadlines for receipt of submissions and circulation of documents in advance of plenary meetings should be agreed by the Assembly.

8. Presentations to the Assembly

Following receipt of submissions on any matter, the Assembly may choose to hear oral presentations from any representative group or individual to assist in its deliberations. For the efficient administration of the process, the Steering Group may wish to make recommendations in relation to the selection of interested bodies to present to the Assembly. Invitations shall be issued by the Chairperson on behalf of the Assembly.

9. Voting

Votes, if required, shall be by secret ballot of the members present and voting. Votes shall be overseen by the Chairperson with the support of at least 2 members of the Assembly.

10. Expert Advisory Group

As provided for in the Oireachtas Resolution, the Assembly shall establish an Expert Advisory Group to assist with its work in terms of preparing information and advice. The Expert Advisory Group will be comprised of academics/practitioners across a number of specific fields of interest including political/ Social Science; Constitutional Law and Theory; Medical Law and Ethics; Medicine and Obstetrics. The composition and focus of the Expert Advisory Group may change during the lifetime of the Assembly.

11. Irish language facilities

A simultaneous translation service from Irish into English will be available for all plenary sessions of the forum if required.

12. Accessibility of Services and Information for Persons with Disabilities

In line with the provisions in the Disability Act 2005 and the Code of Practice on Accessibility of Public Services and Information Provided by Public Bodies, the Assembly will ensure that services and information will be accessible to all Members including those with a disability insofar as is practicable and appropriate. It is noted that all Assembly members have been selected at random to represent the views of the people of Ireland and are broadly representative of society as reflected in the Census.

13. Press and Communications

Authorised members of the media shall be permitted to attend plenary sessions of the Assembly, subject to such terms and conditions as may be laid down by the Assembly. As a general principle, the Chairperson shall act as spokesperson in relation to administrative or procedural matters.

14. Members Interaction with the Media

Members shall refrain from media interviews or public commentary while the Assembly is actively considering a topic. This shall also apply to social media.

15. Reports

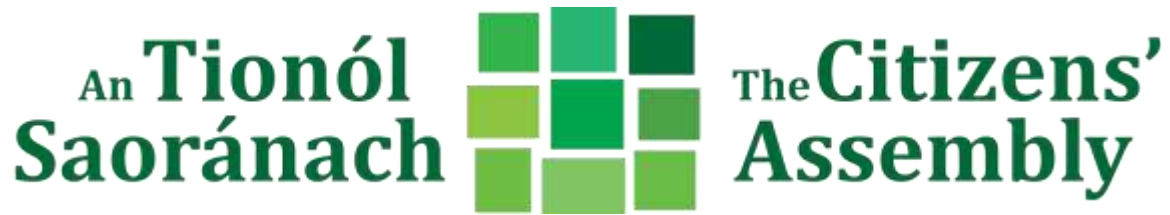
Reports of the Assembly shall be published as soon as practicable after a decision has been reached at each meeting. It shall be possible to finalise the detail of the content of each report other than in plenary session, subject to the agreement of the Assembly.

16. Review of Procedures

The Chairperson shall consult with members of the Assembly and other interested parties and conduct such reviews of the procedures and administration of the Assembly as she sees fit.

17. Assembly secretariat

The Chairperson shall have direction and control over the staff of the secretariat and other supports and resources available, subject to the wishes of the Assembly.



Appendix D

Practical Guide to Facilitation at the Citizens' Assembly

Practical Guide to Facilitation at The Citizens' Assembly

What's Covered in this Guide

1. Purpose of the Citizens' Assembly
2. The Role of the Facilitator
3. Groundrules
4. Facilitating the Conversations at your Table
5. Checklist

Appendix I: Tips for Successful Facilitation

Appendix II: Suggestions for Keeping the Conversation on Track

1. Purpose of the Citizens' Assembly

The Citizens' Assembly was established by Resolution of both Houses of the Oireachtas. Its purpose is to allow a cross-section of the public to hear presentations from experts and civil society groups and to engage in rational and reasoned discussion, and to then make recommendations to the State on the options available.

The Assembly has been asked to look at the following issues:

1. the Eighth Amendment of the Constitution;
2. how we best respond to the challenges and opportunities of an ageing population;
3. fixed term parliaments;
4. the manner in which referenda are held;
5. how the State can make Ireland a leader in tackling climate change.

The Assembly may also be asked to consider other matters that may be referred to it.

There are 100 Members of the Assembly, including the Chairperson. Members are being chosen at random to represent the views of the people of Ireland, and will be broadly representative of society as reflected in the Census, including age, gender, social class, regional spread etc. They must also be on the electoral register to vote in a referendum.

2. The Role of the Facilitator

As facilitators, you'll provide a very valuable service to the Citizens' Assembly members, enabling the small groups to have a considered debate about very important topics of national interest.

You'll serve the meeting best by putting all of your attention into the meeting process and how the group is working, and by holding back from contributing to the meeting content. In this way, you'll create the best possible conditions for views, ideas and suggestions to emerge and ultimately to be included in the recommendations to the Houses of the Oireachtas.

It's very satisfying to be the enabler who helps to bring out other people's views and ideas. People love to be listened to and appreciate when their views and suggestions are valued. It leads to a lively, positive atmosphere, with the focus on new possibilities rather than on problems. Further tips for successful facilitation are included in Appendix I.

3. Groundrules

Healthy debate and idea generation is greatly helped by observing some simple process groundrules. The following are the guidelines for behaviour that will *encourage and support people to participate and contribute to group discussions* during the Citizens' Assembly. You are invited to share these groundrules with the people at your table and ask them if they are happy to commit to them or put forward others. If they agree, you will have the authority to make interventions in the discussion and improve the process.

○ *Share the airtime*

Every group has individuals who are more reticent and others who love to talk. It's vital to hear the views of the quieter people, both for the inherent value of those views and

suggestions and to give due respect to everyone present. At this session, everyone has an equal voice.

- ***Ask participants to headline their views/suggestions; then give some background***

To ensure that each person is heard when they speak, ask them to catch people's attention by making a headline for their argument first (the 'hook' of their view/suggestion) and then follow up with their background thinking. (We want the news headlines, not the full bulletin!)

- ***Be Respectful***

Listen to and show respect for the opinions of others. Engage in the discussion: do not get involved in disruptive side conversations or talk over others. It's important that we have one conversation at a time. Keep your mobile phone and other devices packed away while the Citizens' Assembly is in session. There will be lots of breaks for you to catch up with the outside world!

- ***Make connections***

New thinking and fresh ideas emerge when you allow your mind to freewheel and to make connections between seemingly unconnected things. When a group sets out to invent something new, one idea or suggestion can trigger another in surprising and productive ways. Spot the unlikely connections.

- ***Don't evaluate views/suggestions***

It's vital that each participant is allowed (by the group) to express his/her views and alternative suggestions without fear of being dismissed. If suggestions are evaluated prematurely, they're unlikely to survive and grow. This damages the morale and courage of those present.

- ***Keep track of thoughts, views and suggestions that come to you***

Follow the theme - stay focused and on track. In a group, it's inevitable that people have to wait their turn to contribute. To free your mind during this waiting time, jot down any ideas that come to you. Then you'll be better able to listen for connections and further ideas.

You'll be supported in your role as facilitator by the Chair, the Secretariat and the Advisory Group. The Chair will guide everyone present through each of the steps and keep you on track regarding time-keeping. Members of the Secretariat and Advisory Group will be available in the room to support you and to encourage participants to observe the groundrules if necessary. Don't be afraid to put your hand up and ask for assistance if you need it. Also in the room will be the expert speakers. These people will be available as a resource to participants to answer questions or clarify points. If your table wishes to speak to an expert, let them know that they should ask you to invite them to the table. As the experts will be in demand, please focus the question that is being put to them so that they can move to answer others' queries.

4. Facilitating the Conversations at your Table

You'll facilitate a number of conversations at your table, each of which will be kick-started by an issue for consideration by the people at your table. The Chair will introduce each issue and call an end to the discussion when the time is up. The issue (s) will be highlighted on a screen at the top of room so everyone can see them. You will facilitate the discussion around the issue in question.

Use the questions below only as guidelines as to the kind of approach you might take to get the conversation going, to explore issues and to help the participants to think in new ways. You are trying to give them the responsibility for making the conversation a success, rather than taking that responsibility on yourself.

Probe participants deeply and intently - not like a dentist or a piranha going after the bait - but like an interested friend hanging on to every detail. Maintain a demeanour of 'benign curiosity' and encourage participants to explore views and ideas with each other (rather than respond only to questions by you).

- This is what we're being asked to do. How should we start?
- Let's take the first issue ... can we give that 10 minutes?
- What interests you about this topic?
- If Ireland were a 'best example' on this issue, what would we see?
- Can you tell me more about that?
- In what ways is this important to you?
- How does this issue affect you?
- What do you wish were different?
- How do you think that problem could be solved? What steps could be taken?
- What needs to change for this to work really well?

Some points to note:

- Phrase in *rapport* talk not *report* talk
- Convey positive regard and appreciation, no matter what views are expressed
- Evoke essential values, aspirations and inspirations

Managing Negatives

People should feel free to talk about things they believe require fixing. However, if they are allowed to focus for too long on negatives, the dynamic of the discussion will change. This can be managed in several different ways:

- **Postponing:** Tell them you will make a note of what they have said and keep it on record. The question "What would you change if you could change anything about (the issue)?" is a place to collect this 'negative' data.

- **Redirecting:** If you have listened sufficiently to the seemingly negative issues, find a way to redirect the person back to the task at hand. *“I think I understand some of the problems...”* Paraphrase a few of the problems that you’ve heard and check with the person for clarity. *“Right now, however, I would like to focus on times when things were working at their best. Can you think of a time, even the smallest moment, when this [situation] was at its best?”* If the person says it never happened at its best, before giving up find out whether the person ever had a good experience in any context anywhere. Then ask how this good experience could be applied here.
- **Listening:** If someone feels real intensity about what he or she wants to say about issues, let the person say it. If it is very strongly felt, you are not going to get ideas for change until the person speaks their mind. This may mean muddling through quite a bit of manure and the biggest threat is that you will take this personally and lose sight of the goal. Pay attention to your inner feelings and try to maintain a level of detachment. You must be empathetic without taking responsibility for the person’s grievance. Maintain a caring and affirmative spirit.
- **Using Negative Data:** Everything people find wrong represents an absence of something they hold in their minds as an ideal image. What processes if present (rather than absent), might create the ideal situation, which the negatives imply? Data is data and is a useful source of information particularly as it is conditioned by affirmative images. The trick is to focus on using the negatives as springboards for finding the ideal, and then asking the person to generate ideas as to how to achieve the ideal.

You will find additional tips on keeping the conversation on track in Appendix II.

5. Checklist

In a nutshell, here's what we'd like you to do over the weekend:

- Take your seat 10 minutes before each session begins and personally welcome participants to your table.
- Distribute surveys and ballot papers (if appropriate) at your table and ask participants to complete them.
- Outline the ground rules that will guide the table conversations.
- Facilitate conversations at your table.
- Work with the note taker at your table to ensure objections/concerns about Rules and Procedures and ideas to strengthen them are documented.
- Work with the note taker at your table to ensure the accurate documentation of key issues and alternative proposals/amendments arising at your table in relation to each item under deliberation.
- Support the Chair at the plenary sessions by inviting relevant participants at your table to contribute their views.
- Ask a member of the Secretariat or the Advisory Group for support if you need it.
- Assist the team to count ballot papers (if appropriate).
- Attend the facilitators debriefing session following the meeting.

Appendix I: Tips for Successful Facilitation

1. Summarise & Assimilate Inputs

- Make sense of what is happening in the group (by observing and listening – this will help you to make the correct interventions)
- Keeping the group focused on the task and the theme or question
- Reflect back what you hear verbally and/or visually
- Pull together diverse inputs and draw connections between contributions
- State clearly your understandings or paraphrase to check understanding and make a participant feel heard

2. Observe the Mood:

- Awareness of emotional undercurrents, gleaned from tones, body language, intuition
- Ask deeper questions

3. Manage the Process

- Lead the group through the process and remind them of any ground rules (see below)
- Manage the process so that people can focus on the content
- If a conflict emerges, help each person feel heard, and seek common ground
- Help people understand each other by translating information from a participant into terms that the other participants can also grasp

4. Timekeeper:

- Keep an eye on the clock
- Warn the group well ahead of any deadlines

5. Engage Participants:

- Keep track of whose turn it is to speak

6. Stay out of the Content

- It is not your job to have a point of view about any aspect of the discussion
- Try not to be drawn into giving a view, advice or direction

Appendix II: Suggestions for Keeping the Conversation on Track

Keeping the participants on track starts with good preparation and includes the use of appropriate process intervention. Process intervention is an interruption by the facilitator of the conversation process in order to refocus the participants and/or to rebalance group interactions.

Most interventions can link back to the ground rules. As a guideline, always start with the lowest level of intervention, which is the least obvious and least threatening to the individual or group. As facilitator, your goal is to support the participants in achieving their desired outcomes by staying on track and balancing participation with results, so interventions must be supportive. Speak the intervention clearly using assertive language, with supportive tone of voice and body language.

The following are examples of the 6 most common situations requiring intervention to keep the conversation on track, with example suggestions on how to intervene in each situation.

- Side-Bar Conversations
- Staying on Time
- Never Ending Discussion
- Conflict (personal attacks)
- Returning from Breaks
- Texting, tweeting and use of mobile phones

Topic	Situation	Intervention
Side Bar Conversations	A member of the group is having sidebar conversations with other participants throughout the session	1. A friendly reminder: "Just a reminder, we agreed to 'one conversation at a time' in our groundrules for the session."
		2. Direct the reminder: Make eye contact (with Susan) and restate, "One conversation at a time please."
		3. Personalise it: "Susan do you have a clarification question?" or "Susan I can see that you have something to contribute; when Sam has finished we'll hear from you."
		4. Make a direct request: "Susan, please hold your comments until Sam has finished."
	If Susan is the only one interrupting or having side conversations.	5a. Talk to her at break, one-on- one.
	If there are many people interrupting or having side conversations.	5b. Put the process on hold and ask the group "Do we need to take a break?"

Staying on Time	The group has a lot to cover in the session, but they seem to go down rabbit holes and may veer off into other topics.	1. Invoke the “keep focused” ground rule: Suggest the concern is ‘ parked ’ – capture items that need to be pursued, but are not the focal points for this session.
		2. Specifically re-focus on the particular topic/agenda item: “I’d just like to remind you that we are discussing question 2. Please hold discussion on other topics until we get to them.”
	The discussion has continued for some time and you are running out of time for the item.	3. Attempt closure of item: “We have 10 minutes remaining for this item. We need to re-focus. What do we still need to discuss to conclude this item?” “We are almost out of time for this item, there appears to be more discussion required. Is that true?” Follow-up a ‘yes’ response with, “What do you need in order to close on this item?” or “Why are we unable to close on this item?” If the item is truly important and just wasn’t given sufficient time for the necessary discussion and action....
		4. Give participants a choice on how they spend their time: “Is this item more important than staying with the theme we’re discussing?” <i>Note: If so, go with the group’s energy and capture the issue</i>

Never-Ending Discussion	Information Barriers Sometimes a discussion will not come to closure, usually because of information that is insufficient, inaccurate, or unreliable. Sometimes a topic leads to significant emotional reactions.	Follow the same guidelines under “Staying on Time”. It may be that there is insufficient valid information to progress, in which case park the item for another meeting.
	Personal Agenda or “Hobby Horse” Whenever a particular topic comes up, an individual may begin to recount the same war stories, etc. You can often tell by reading the faces of the other participants (look for rolling eyes!). The individual, often oblivious of the reactions of others, settles into the story.	1. Gentle interruption: Once you’ve determined that an individual is in a familiar story mode, and what’s being said does not appear to contribute to the item under discussion, gently interrupt him to ask, “John, excuse my interruption, but I’m not sure how this fits with our topic. Can you clarify for me?”

		2. Direct the enquiry: Make eye contact with John and ask, "This sounds like familiar ground; is this a recurring theme?" Then make eye contact with the other participants. At this point John will usually confess that this is either a war story or a favourite 'complaint.' Acknowledge him and then move on.
		3. Personalise the request: "John we agreed that this item would remain parked, has anything changed its status?"
	It is unlikely that a person will continue raising the issue. In the event that he does....	4. Firmly restate the request: You can restate the intervention comments under either 2 or 3 and that should allow the group to continue forward without using up valuable time.

Conflict: Personal Attacks	Individual Attacked A group member takes "pot shots" at other team members. For example, Bill is taking 'shots' at Joe.	1. Apply gentle humour: observe Joe's reaction and Bill's demeanour and body language. Say nothing the first time unless you are sure that it was intentional, or make light of the first occurrence: "I hope that comment isn't an indication that we need armour for this meeting!"
	Bill takes another shot	2. Restate the ground rules: Make eye contact with Bill and say, "Our ground rules clearly state that....We welcome all ideas, comments that build or clarify ideas etc., but not negative comments."
	Once again, Bill aims another sarcastic or belittling remark at Joe	3. Confront Bill directly: firm words, supportive tone and stance. "Bill this is not the first time that you have targeted Joe with your remarks, please stop." Then redirect him with "What is the concern you have with the issue/idea? How would you modify it to improve it?"
	Bill persists with comments aimed at Joe	4. Gentle, public reprimand: In a gentle tone say, "Bill despite my reminders, you continue to make critical comments towards Joe's ideas. If there is a personal disagreement between the two of you, it is inappropriate to play it out here. Can you participate in this session productively?" (This gives Bill the opportunity to bow out. If he chooses to leave, ask the team if they can continue without him.) The same intervention could be made one-on-one with Bill at break.

Group Attacked	Bill is taking potshots at everyone.	1. Apply gentle humour; observe their reactions and Bill's demeanour and body language. Say nothing the first time unless you are sure that it was intentional, or make light of the first occurrence: "I hope that comment isn't an indication that we need armour for this meeting."
	Bill takes another shot	2. Restate the ground rules: Make eye contact with Bill and say, "Our ground rules clearly state that....We welcome all ideas, comments that build or clarify ideas etc., but not negative comments."
	Bill continues. At this point he has made several remarks to various group members and you have redirected his comments and reminded him of the ground rules.	3. Address problem directly: "Bill you have made several negative comments to group members. Is there something else going on that is interfering with your ability to participate here today?" Or throw it to the group. "Everyone, how do you feel when Bill makes this type of comment?"
		4. Personal Confrontation: If the attacks continue and the group is reluctant to say anything to Bill when discussed as in 3 above, then speak to Bill at break as in Step 4 above.

Returning From Breaks	Team members are late returning from breaks.	1. Light reminder: "Remember, you agreed to return from breaks on time because it helps the session to finish on time; it's one of your ground rules." Just before the next break remind the team to be back on time, advise them of when that is and suggest that you all synchronise your watches.
	Team members are chronically late returning from breaks. If it is the same members each time then remind them when they return.	2. Ask for input: "Out of curiosity, why do you have a ground rule that says return from breaks on time, and yet consistently several people are late returning from break each time? What do we need to do for this to work?" Members may need some flexibility from time to time to accommodate other needs – advise the group that the participant will be stepping out for a while.
Texting, tweeting and use of mobile phones	Team members are continually using their phone or other device whilst the Table Conversation is taking place.	Remind the person of the groundrule about phone usage and ask if they would defer using their phone until there is a break. Alternatively, if their need is urgent please ask them to leave the table to do their business and return when they can give the conversation their full attention.