

Ireland's reactionary abortion laws largely upheld

Steve James
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The Irish parliament voted July 2 to alter the country's fiercely anti-abortion legislation to allow for termination in circumstances where the woman is considered to be a suicide risk.

The vote followed months of controversy following the death of Savita Halappanavar, and has been presented as a significant liberalisation of Irish law. It is not.

In the days before she died Savita, 17 weeks pregnant and suffering severe back pain, repeatedly requested an abortion. The 31-year-old Indian born dentist was advised by staff at University Hospital Galway, Ireland, that a termination was not possible, despite the unviability of the fetus, on the grounds that "this is a Catholic country." Savita died five days later from septicaemia.

The avoidable death triggered immense anger in Ireland and internationally following its exposure in the *Irish Times*. Demonstrations and vigils were held in Dublin, Galway, Limerick and many small towns across Ireland, as well as outside the Irish embassies in Delhi, London, Berlin and Brussels. "Profound concern" was expressed by the Indian ambassador in Dublin.

The protests drew attention once again to Ireland's reactionary abortion laws, the most restrictive in Europe, and the continuing influence of the Catholic Church in every area of social and private life. Currently, around 4,000 women visit Britain from Ireland every year for abortions.

The protests alarmed the government, raising fears of yet more damning revelations against the Catholic Church, which has been implicated in a succession of scandals over brutal children's homes, orphanages and sexual abuse by clergy.

All the main political parties responded to the tragedy

by sidestepping criticism of the church. The government insisted on awaiting the outcome of a number of inquiries into the death, including one by the Irish Health Service Executive (HSE).

Calls for a full public inquiry made by Praveen Halappanavar, Savita's husband, were ignored. An inquiry would call into question the abortion ban in Ireland's 1937 Constitution, drawn up in consultation with the church, and the anti-abortion 1983 Eighth Amendment. The grieving husband was pressured by Irish premier Enda Kenny to support the HSE inquiry.

When the HSE inquiry was finally published in May this year, it went into great detail on the medical circumstances of Savita's death and made a number of serious criticisms of the procedures employed at the Galway hospital. The report complained of "inadequate monitoring," a "failure of offer all management options" and "non adherence to clinical guidelines related to... sepsis, severe sepsis and septic shock."

The report also commented on a "lack of recognition of the gravity of the situation" facing Savita.

However, with regard to the legal and constitutional framework, the report restricted itself to recommending constitutional change solely "in relation to the management of inevitable miscarriage."

The words "Catholic" or "church" did not appear in the report at all. But the chair of the inquiry, Sir Sabaratnam Arulkumaran from St Georges University London, admitted the basic point that had the patient been in the UK, he would have performed a termination earlier.

The government also sought to divert international criticism by suggesting it was time for a minimal legislative easing on an unrelated aspect of the abortion ban.

Currently abortion is covered by the Offences against

the Person Act of 1861, passed when Ireland was a British colony. Termination is only legal where the mother's life, and not her health or well-being, is in danger. The 1983 Eighth Amendment upholds the "right to life of the unborn and, with due regard to the equal right to life of the mother".

On this basis abortion carries a maximum sentence of life imprisonment, even in cases of rape.

The government proposed to legislate on "Case X", a 1992 case of a fourteen-year-old girl who had been raped. The Irish Supreme Court at the time ruled that abortion could be authorised because the young woman was suicidal. Despite the verdict, successive governments avoided legislation legalizing abortion in such cases. Even this marginal change was immediately made the target of a campaign by the church and right wing anti-abortion groups.

Just weeks after Savita's death, and despite opinion polls showing that 85 percent of respondents supported new legislation, a joint statement of Irish bishops complained of "the careful balance between the equal right to life of a mother and her unborn child" being fundamentally changed.

The bishops mobilised 25,000 people for a Vigil for Life demonstration in Dublin this January and subsequently held smaller rallies in Knock, County Mayo. In May, the Irish Bishops' Conference stated that Catholic members of the Dáil who voted for the change could be excommunicated.

The Fine Gael/Labour government's "Protection of Life During Pregnancy" legislation essentially upholds the status quo with regard to abortion. The bill allowed for abortion under circumstances when suicide was considered a risk, but this could only be authorised following unanimous agreement between three doctors, two psychiatrists and one obstetrician.

The proposed legislation made clear that, outside of a medical risk to life or a danger of suicide, abortion would remain illegal and both doctor and patient would be subject to a sentence tariff of up to fourteen years imprisonment. At no point in legislative deliberations was the suggestion raised, by any of the parties, that a woman's welfare, opinions or life plan should have any weight in the decision.

Parliamentary members of Fine Gael, Fianna Fail, Sinn Fein indicated they would vote against the proposed change. Comments from independent TD

Mattie McGrath were typical. He fulminated during a parliamentary debate that the state had a "litany of historical failures regarding unborn children."

Kenny reported that he was being "branded a murderer" and had been sent "medals, scapulars, plastic foetuses, letters written in blood."

In the face of this Kenny was, he insisted, "a public representative who happens to be a Catholic". He was, he insisted "a *Taoiseach* for all the people and that's my job."

When the first parliamentary vote was held on July 2, the government won by 138 votes to 24. Of the 24, four were from Fine Gael, one from Sinn Fein and nineteen from Fianna Fail. The legislation will now move through committee stages where it will surely continue to be the focus of repeated assaults.

Kenny's claim to be a defender of "all the people" is fraudulent. Rather, as in 2011 when he denounced Vatican obfuscation in the face of child abuse allegations contained in the Cloyne report of that year, he is seeking to obscure the worst excesses of the church while maintaining the increasingly shaky constitutional grip of the church over social affairs and political life.



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