

Green Party Reproductive Rights Policy



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1. Reproductive Rights

1.1. The 8th Amendment

The Green Party supports the holding of a referendum to allow the people of Ireland determine whether or not the 8th Amendment should be repealed.

The Green Party will support a vote in favour of repeal in the above proposed referendum on the 8th amendment, on the condition that the Government have provided draft legislation which will be put in place if the referendum passes.

This would bring us in line with the recommendations of the UN special rapporteur on the right to health on their visit to Ireland. This will also bring us in line with International Law regarding reproductive justice.

1.2. Legislation

That upon the repeal of the 8th amendment the Green Party will advocate legislation allowing for the lawful termination of pregnancies in cases of

- fatal foetal abnormality
- rape
- incest
- endangerment to the health/life of the mother

The Green Party understands that abortion is always a last resort option. In keeping with this, we propose that there would also be provision of unbiased sex and relationship education, free gynaecological care for under 18s, and access to safe and affordable contraceptives.

The Green Party also recognises as part of reproductive justice that more provision must be made for women who choose to continue their pregnancies. We propose expanded maternity and parental leave and that there will be expanded programs of post-natal care, particularly regarding post-natal depression. Furthermore, the Green Party believes that more support can be provided for pregnant women at a community level through community midwives and local health centres. The Green Party also supports choice in maternity care, and would legislate for expanded choice in birthing, such as home births, where they are deemed safe.

The Green Party proposes to expand unbiased state counselling and advice services for pregnant women.

1.2.1. An Outline of How Legislation Would be Developed

The Green Party understands that the health and safety of patients is the concern of medical practitioners, who have a professional duty and ethical code that society and government can respect, along with the patient and family involved. Therefore, in terms of imposing time limits and definitions of risk and any other limits on the above circumstances, the Green Party will defer that

decision to an expert medical group in line with current structures within the medical profession, which will be convened before any legislation is written.

1.2.2. An Outline of Proposed Legislation

Basic Pre-requisites for a lawful termination

The abortion is performed at an authorised location.

Two registered medical practitioners are of the opinion, formed in good faith, that one of the below criteria is met

Fatal Foetal Abnormality

Under our proposal, an abortion may be performed if the foetus suffers from such anomaly or injury that

- it is unlikely to be born alive; or
- it is likely to die during birth; or
- it is unlikely to be capable of sustaining independent life after birth.

Rape/Incest

Given the severity of the crimes of rape and incest as well as the time-consuming nature of bringing about a conviction for these crimes, the Green Party believes that women who have been victims of these crimes should be able to legally access termination of a pregnancy which comes about as a result of these crimes.

Endangerment to the health/life of the mother

An abortion may be performed under this condition if:

- In forming their opinions, both registered medical practitioners have taken account of the pregnant woman's assessment of the potential risk to her life, which includes the risk of suicide.
- In forming their opinions, both registered medical practitioners have taken account of the pregnant woman's views on the impact of the continuance of the pregnancy on her physical and/or mental health.
- Both registered medical practitioners are of the opinion, formed in good faith, that the continuance of the pregnancy would entail a risk to the pregnant woman's physical and/or mental health.

In relation to risk assessment:

- The risk to health need not originate with the pregnancy. It can also refer to an Independent condition, whether new, pre-existing or recurring, or to a combination of conditions.

- The risk may already have materialised at the time of assessment, or may be expected to materialise in the future.
- The medical practitioners do not have to be satisfied that the abortion will completely eliminate the risk to the pregnant woman's health.
- The medical practitioners are required to make a holistic assessment of the pregnant woman's circumstances in their full context.

1.3. Decriminalization

The Green Party would not prosecute women who obtain abortions, however, we recognize the harms of "back-alley" or unregulated abortions, and so it would remain an offence to perform an unregulated abortion or to cause a woman to miscarry through assault.

1.4. Refusal of Care on Grounds of Conscience

Provide that:

- (1) Medical professionals, or other health care practitioners under their supervision, may refuse to participate in an abortion on the basis of a good faith conscientious objection, except where the abortion is immediately necessary to save the pregnant woman's life or to prevent severe or disabling damage to her health.
- (2) A person who has a conscientious objection shall without delay (i) inform the pregnant woman of the refusal of care in writing (ii) inform her of her right to see an alternative medical practitioner, nurse or midwife and (iii) make such arrangements for the transfer of her care as are necessary to enable her to access an abortion in a timely manner.
- (3) Health care institutions may not invoke a right to conscientious objection.
- (4) The Minister for Health retains the responsibility of ensuring that a safe and timely service is maintained for patients when accommodating conscientious objectors.
- (5) In any legal proceedings arising from this, the burden of proof of conscientious objection shall rest on the person claiming to rely on it.

1.4.1. Establishment of an appeals process on refusal of a lawful termination

We would set up an independent review body to review cases where women are refused a lawful termination under this policy. The members of this review body shall be appointed through the public appointments process.

1.4.2. Application for Review

Where a registered medical practitioner is of the opinion that a pregnant woman is not entitled to undergo an abortion under this policy, he or she shall immediately

- (1) inform her of that refusal, providing written confirmation within 24 hours;
- (2) inform her of her right to make an application to the review body; and
- (3) inform her of her right to seek a second opinion. If the pregnant woman prefers to seek a second opinion, the registered medical practitioner shall refer her to an alternative practitioner without delay.

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