

**Post-Cabinet Statement by An Taoiseach Leo Varadkar  
Government Buildings, 29th January 2018**

**This evening, the Cabinet gave formal approval to the holding of a referendum on abortion which will be held in late May or early June this year. We will know the exact date following a debate and vote in the Dáil and Seanad, and I am confident this timeline can be met.**

**The Minister for Health has been given approval to prepare a Referendum Bill to amend the Constitution. It will be the 36th amendment to the Constitution.**

**I want to thank the Citizens Assembly and the All-party Committee for the work they did to bring us to this point. Their advice and guidance has been invaluable.**

**We know that thousands of Irish women - women from every single county in Ireland - go abroad for abortions every year.**

**We know that many women are obtaining abortion pills through the post to end their pregnancies, without any medical support, or counselling, or supervision.**

**So, we already have abortion in Ireland but it is unsafe, unregulated and unlawful. We cannot continue to export our problems and import our solutions.**

**As Taoiseach - as a medical doctor - and as a former Minister for Health - I do not believe we can continue with a situation where women in crisis are risking their lives through the use of unregulated medicines.**

**I do not believe that the Constitution is the place for making absolute statements about medical, moral, and legal issues. An issue that is not black and white can never be explained in black and white.**

**I believe this is a decision about whether we want to continue to stigmatise and criminalise our sisters, our co-workers, and our friends. Or whether we are prepared to make a collective act of leadership to show empathy and compassion.**

**The amendment, if approved by the people, will delete article 40.3.3 in its entirety and remove the effective constitutional ban on abortion from Bunreacht na hÉireann.**

**It will repeal the Eighth Amendment and the 13th and 14th amendments which are linked to it.**

It will also insert a new clause into our Constitution confirming that the Oireachtas may provide for the termination of pregnancies in accordance with law.

This is being done on the advice of the Attorney General, and will assure us that the Oireachtas has the power to legislate, and to balance any rights or interests, without preventing or restricting access to the courts on a point of law.

The Minister for Health will prepare a General Scheme of a Bill to regulate abortion which will come back to Cabinet for approval. This detailed General Scheme will be published prior to the Referendum and will be in line with the recommendations of the All-Party Committee. However, it cannot become law and will not be debated in the Oireachtas until the Referendum is approved.

So, it is important to say that the Referendum will not be on the draft legislation. The Referendum will be on the amendment to the Constitution.

If the amendment is approved in a Referendum, abortion in Ireland will become safe, legal and rare, in the situations provided for by the Oireachtas. If the referendum is defeated, the law will remain as it is now.

I know this will be a difficult decision for the Irish people to make. It is a very personal and private issue. For most of us, it's not a black and white issue; it's one that is grey. A balance between the rights of a pregnant woman and the fetus or unborn. It's a matter for people to make their own decision based on the evidence they hear, compassion, and empathy. I want the debate to be respectful on all sides, and should never be personalised.

However difficult, I believe the time has come to allow the people to make this decision. The question has to be a Yes or No one: do we reform our abortion laws or do we leave them as they are?

For my part, I will advocate for a Yes vote. My own views have evolved over time. Life experience does that.

It was as Minister for Health that I became convinced that abortion had no place in our Constitution. While I was not involved in either case directly, as Minister I was fully briefed on two significant cases. The first was that of Miss Y, an asylum-seeker, who was turned back from an English port when she sought to travel there for a termination. She subsequently became distraught, went on hunger strike, and became suicidal.

The second was the heartbreaking case of a woman who was clinically dead but on life support while the baby she was carrying remained alive for a time.

These cases should have been matters for the women concerned, their next of kin, and their doctors. Both were decided in the Courts due to the 8th amendment. Doctors seeking advice on what to do in difficult situations should refer to clinical guidelines, not to Bunreacht na hÉireann.

That's why I called for change in the Dáil in December 2014. I believed we could no longer approach the issue with cold certainty but needed to do so with compassion.

On the matter of 12 weeks, as proposed by the All-Party Committee, people will have to make up their own minds, based on the evidence and their own conscience. In making my decision to support it, I listened to the views of others - medical experts, the public, my party and ministers, friends.

Above all, I listened to women. I had to think long and hard about the provision for abortion without a specific indication in the first 12 weeks. However the all-party committee has rightly pointed out the impossibility of requiring women to establish that their pregnancy was as a result of rape or incest. If we attempt to do so, we make them victims for a second time.

They also identified the fact that nearly two thousand women every year take the abortion pill on this island and that they do so without any medical advice or supervision. This is sure to result in another tragedy, another young woman losing her life, sooner or later.

If the referendum is approved by the Irish people, a doctor-led, safe and legal system for the termination of pregnancies will be introduced. There will be restrictions.

The pill which brings on miscarriage in early pregnancy will not be available on demand over the counter of a pharmacy or anywhere else. It will only be prescribed by a doctor who is on the specialist register.

Doctors will discuss with their patient the pros and cons of this option in a crisis pregnancy, other options, and offer counselling and other supports. Ultimately though, it will be the woman's decision.

After 12 weeks' gestation, abortion will only be allowed in exceptional circumstances such as a serious risk to the life or health of the woman or in the event of a fatal foetal abnormality. Ultimately, it will be a decision based on the wishes of the woman concerned and the best available medical evidence.

Safe, legal and rare.

No longer an article of our Constitution, but rather a private and personal matter for women and doctors.

No more X cases, C cases, Miss Ys or Miss A, Miss B, or Miss C.

In recent weeks many people, mainly men, have spoken about the personal journeys they have been on. But we should remember that the saddest and

loneliest journey is made by the Irish women who travel to other countries in their thousands to end their pregnancies.  
These journeys do not have to happen, and that can change.

That's now in our hands.