

# **Atheist Ireland**



**Making Abortion Illegal  
Is Not a Settled Moral Value**

**Our Laws Should Respect  
Individual Conscience**

**Submission to the  
Citizens' Assembly on  
the Eighth Amendment**

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### 1. About Atheist Ireland

1.1 Atheist Ireland is an Irish advocacy group, founded in 2008. We are a voluntary organisation with no paid staff. We receive no government funding and are reliant on membership contributions and donations. As a political lobbying group Atheist Ireland is registered with SIPO (Standards in Public Office).

1.2 Atheist Ireland promotes atheism and reason over superstition and supernaturalism, and we promote an ethical, secular society. We are participants in the dialogue process between the Government and religious and philosophical bodies.

1.3 We participate in events organised by international human rights regulatory bodies such as the United Nations, the European Union, the Council of Europe and the OSCE. We work with other advocacy groups who are seeking to bring about an ethical society. Atheist Ireland is a member of the Coalition to Repeal the Eighth Amendment.

1.4 You can read details of our policies on our website at <http://atheist.ie>.

### 2. We support repeal of the Eighth Amendment

2.1 The religiously-inspired or faith-based view on abortion holds no greater authority than that of the non-religious or secular view. In fact the religious-inspired viewpoint on abortion holds less authority as it is opinion-based rather than evidence-based.

2.2 The expert opinion presented to the Citizens' Assembly should be evidence-based and grounded in human rights. It should not include faith-based views. However, if the religious are invited to give expert opinion, then the voice of the non-religious should also be included by inviting Atheist Ireland.

2.3 We have already addressed the Oireachtas Joint Health Committee on this issue, as well as various international human rights regulatory bodies. We bring a unique perspective to your deliberations, based on the equal right to freedom of conscience of atheists and secularists in Ireland with regard to the right to abortion.

2.4 Atheist Ireland argues that the Eighth Amendment to our Constitution is religiously-inspired. In a secular, pluralist democracy people are free to hold whatever religious, ethical and moral beliefs they wish, but they do not have the right to impose those religious views on pregnant women who do not share those religious values.

2.5 The current situation in Ireland with regards to access to abortion does not respect freedom of conscience. As atheists we each form our own individual ethical and moral beliefs, including on abortion, but one belief does unite us: we do not get our morality from gods. Our laws should not be based on what other people believe that the creator of the universe is telling them to impose on us. Rather, our laws should be based human rights, compassion and the best available evidence, not based on the religious or faith-based beliefs of any group in our society.

### **3. Abortion should not be dealt with within our Constitution**

3.1 Atheist Ireland also argues that access to abortion is a healthcare issue. We have dealt with no other health care issue in our Constitution. The Constitution is not the place to be dealing with matters pertaining to healthcare.

3.2 The Citizens' Assembly should not only recommend that a referendum on the Eighth Amendment is held at the soonest possible time, but that it should not be replaced by any alternative wording. The Eighth should be repealed and not replaced.

3.3 Only the full repeal of the Eighth Amendment will allow the Oireachtas to properly formulate legislation on abortion. Anything less than a full repeal will simply mean we will be returning to the issue again in the future.

### **4. Our statement to the Oireachtas Health Committee in 2013**

4.1 In January 2013, Michael Nugent and Jane Donnelly of Atheist Ireland addressed the Oireachtas Health Committee Parliamentary Hearing on Abortion Law. This was our statement to that Committee:

“We are here because the 1983 amendment has constrained our public ethics. We should not need three days of parliamentary hearings to discuss how the law should allow a doctor in a hospital to save the life of a dying woman. That is the absolute minimum rock-bottom ethical standard that we should automatically expect from our healthcare system.

The ABC case requires you to vindicate this right. It does not require you to limit yourself to only doing this. Please do not ignore the suffering of pregnant women whose health is at risk, who are victims of rape or incest, or whose foetus has fatal abnormalities. Please recommend removing the 1983 amendment, so that you can democratically decide on appropriate laws for the people of Ireland today.

Freedom of conscience

As atheists, we ask that you respect our human right to freedom of conscience. As atheists, we each form our own individual ethical beliefs, including on abortion, but one belief does unite us: we do not get our morality from gods. And so our laws should not be based on what other people believe that the creator of the universe is telling them to impose on us.

For example, Cardinal Brady has explicitly told you that, while acting as our legislators, you should remember that the right to life is conferred on us by ‘the creator’. Please think about the enormity of that claim, the lack of evidence to support it, and its irrelevance to your deliberations as lawmakers.

Because even if you believe that there must be a creator, as many of you do, there is no pathway from believing this to taking any particular ethical position. You cannot argue that the universe had a beginning, therefore it must have had a creator, therefore you cannot legislate for abortion. There is no cause and effect between these ideas. We do not get our morality from religion, we apply our natural morality to religion.

## Secular ethics

So what is Atheist Ireland asking our parliamentarians to do? Whatever laws you pass, please base them on human rights and compassion, and on applying reason to empirical evidence. Please respect that individual ethical decisions should be made on the basis of personal autonomy and individual conscience, while not infringing on the rights of others.

Please respect that individual ethical decisions about pregnancy should be made by a pregnant woman in consultation with her medical team. Please respect the right of religious people to believe in their gods, and to act in accordance with their own religious values, but not to impose their own religious values on pregnant women who do not share those religious values.

## Human Rights

Please also consider these human rights issues. In X, the Court said that the risk to life must be 'real and substantial' but it need not be 'inevitable or immediate'. In ABC, the Court said that that obtaining an abortion abroad constitutes a significant psychological burden on pregnant women. In D, the Irish Government said that it is an open question as to whether a pregnant woman with a fatal foetal abnormality has a right to an abortion.

Ireland is obliged, under various international conventions, to respect the equal right of women to health and to physical and psychological integrity. The 1983 amendment is incompatible with our human rights obligations, and it discriminates against women on the grounds of physical and mental health.

## Threat of suicide

Finally, the X case has already ruled that a suicidal woman has a right to an abortion in Ireland. You have a duty to legislate for that right. Please don't pass a restrictive law that assumes that pregnant women are lying, or you run the risk of another tragedy. A suicidal woman may be denied an abortion, she may commit suicide, and after public outrage, the law may be changed. But it would be too late for that woman.

It took a raped teenage child to establish the right to an abortion in Ireland. It has taken the death of a miscarrying woman to bring about these hearings. Please stop this unethical pattern of lawmaking by response to personal tragedies. Please do not limit yourselves to the minimal possible response to X and ABCD and the Expert Group. Please legislate comprehensively based on human rights and compassion."

## **5. State claims amendment is based on 'profound moral values'**

5.1 The Irish State promotes the view that the legitimate aim of the Eighth Amendment is the protection of morals. The Irish State claims that the Eighth Amendment is a reflection of the 'profound moral values' deeply embedded in the fabric of society in Ireland. However, the Irish State also recognises that other countries provide abortion services, but it claims that these are based only on 'strong opinions', not 'profound moral values'.

5.2 The Irish State in the A, B, and C case in the European Court informed the Court of the 'strong moral values' embedded in Irish society and of the 'strong opinions' in other countries. <sup>1</sup>

"B. The observations of the Irish Government

180. The Government argued that the Convention organs had never held that Article 8 was engaged where States failed to provide for certain types of abortion and any conclusion in that direction would raise serious issues for all Contracting States and, particularly for Ireland, where the prohibition was constitutionally enshrined. The Convention (see the travaux préparatoires) did not intend to make this Court the arbiter of the substantive law of abortion. ***The issue attracted strong opinions in Contracting States*** and was resolved by domestic decision-making often following extensive political debate. ***The protection accorded under Irish law to the right to life of the unborn was based on profound moral values deeply embedded in the fabric of society in Ireland*** and the legal position was defined through equally intense debate. The Government accepted that no legislative proposal concerning abortion was currently under discussion in Ireland. The applicants were asking the Court to align varied abortion laws and thereby go against the recognised importance and fundamental role of the democratic process in each State and acceptance of a diversity of traditions and values in Contracting States (Article 53 of the Convention).

181. Even if Article 8 applied, the impugned restrictions satisfied the requirements of its second paragraph. In particular, Article 40.3.3, as interpreted in the X case, was a fundamental law of the State, was clear and foreseeable and pursued the legitimate aims of the protection of morals and the rights and freedoms of others including the protection of pre-natal life.

182. The Government underlined that the State was entitled to adopt the view, endorsed by the people, that the protection of pre-natal life, combined with the prohibition of direct destruction, was a legitimate goal and the Court should not scrutinise or measure the moral validity, legitimacy or success of this aim.”

## **6. But Irish people have different moral values about abortion**

6.1 Different Irish people have different moral values on abortion, and the pro-choice position is the only way to respect equally everybody’s moral values. Everyone has the right to freedom of conscience, religion and belief, and different Irish people have different moral values on abortion. For some Irish people, abortion is against their conscience, and we agree that nobody who is opposed to abortion should be pressurised into having an abortion. For other Irish people, denying women access to abortion is against their conscience, as it denies women bodily autonomy and it puts the life of a foetus before the health of women.

6.2 The Irish people have voted to enable Irish women to travel abroad in order to have an abortion, and to access information on abortion services in other countries. So the combined referenda outcome, to date, is not that the State should stop women from having an abortion. It is that the State should stop women from having an abortion in Ireland. In effect, the outcome of these votes is to prevent women who cannot afford to travel, women who are too sick to travel, and immigrant women who cannot leave the country, from having abortions. That is an unjust and arbitrary moral value, if indeed it can be considered to be a moral value at all.

6.3 The Irish people have voted twice to refuse to reverse the judgment that allows the threat to suicide as a valid legal reason for having an abortion. This should be seen alongside the travel and information votes, the results of successive opinion polls, and the changing demographics of Ireland since 1983. Based on all of this new information, we cannot rely on whatever moral values may have underpinned the 1983 vote. Those values have since been superseded by more evolved moral values. Today’s electorate includes many people who did not have an opportunity to vote in 1983, and who have never been given an opportunity to reverse the 1983 outcome.

6.4 It is also important to note that Irish women have abortions at the same rate as women in other countries that do provide abortion services. The moral fabric of Irish society has not broken down because women in Ireland can access abortion services in another country. It will not break down

when women can avail of abortion services in Ireland. Indeed we suggest that the moral fabric of Irish society will be enhanced, when we end the pretence and pain and arbitrary discrimination of the current situation, and when the State trusts women to make their own decisions about their bodily autonomy.

6.5 Indeed, currently, our laws inflict intense physical and mental suffering on pregnant women. The United Nations Human Rights Committee has stated in the Amanda Mellet Case: <sup>2</sup>

“7.4 The Committee considers that the fact that a particular conduct or action is legal under domestic law does not mean that it cannot infringe article 7 of the Covenant. By virtue of the existing legislative framework, the State party subjected the author to conditions of intense physical and mental suffering.”

## **7. Making abortion illegal is certainly not a settled moral value**

7.1 The Irish State talks of the Eighth Amendment as if it was a settled moral value that abortion should be illegal. That would be true of some moral issues, such as unprovoked assault, or robbery, or murdering another person. These are issues on which moral values have been settled in Western democracies, with the vast majority of people agreeing that they should be illegal.

7.2 But abortion is morally different, for two reasons. One is that there is not a social consensus that it is morally wrong, and two is that there is even less moral support for the idea, even if you think it is morally wrong, that it should be illegal.

7.3 It is clear that the various States that have ratified the European Convention have different moral values on abortion. In the A, B, and C case, the European Court stated that: <sup>3</sup>

“223. The Court notes that it is not possible to find in the legal and social orders of the Contracting States a uniform European conception of morals including on the question of when life begins.”

“235. In the present case, and contrary to the Government’s submission, the Court considers that there is indeed a consensus amongst a substantial majority of the Contracting States of the Council of Europe towards allowing abortion on broader grounds than accorded under Irish law. In particular, the Court notes that the first and second applicants could have obtained an abortion on request (according to certain criteria including gestational limits) in some 30 such States. The first applicant could have obtained an abortion justified on health and well-being grounds in approximately 40 Contracting States and the second applicant could have obtained an abortion justified on well-being grounds in some 35 Contracting States. Only 3 States have more restrictive access to abortion services than Ireland namely, a prohibition on abortion regardless of the risk to the woman’s life. Certain States have in recent years extended the grounds on which abortion can be obtained (see paragraph 112 above). Ireland is the only State which allows abortion solely where there is a risk to the life (including self-destruction) of the expectant mother. Given this consensus amongst a substantial majority of the Contracting States, it is not necessary to look further to international trends and views which the first two applicants and certain of the third parties argued also leant in favour of broader access to abortion.”

7.4 These countries that make abortion legal do not force women to have abortions. They respect the bodily autonomy of women and their right to decide for themselves, and they ensure that the health of women is given priority over that of the foetus. On the other hand, the Eighth Amendment denies access to abortion to those that have a different conscientious view on abortion, in order to protect the supposed ‘deep moral values’ of the people of whom they are part.

7.5 Similar moral arguments were put forward to deny access to contraception, divorce and marriage equality. The fabric of society has not fallen apart because people use contraception, some people get divorced, and we now have marriage equality. It will not fall apart when all women in Ireland have the same right to abortion as those who are able to travel currently have.

## **8. The State is protecting the moral values of the Catholic Church**

8.1 The 'profound moral values' that the state sought to defend in the A, B, C case are in reality a reflection of the teachings of the Catholic Church. In an article in the Irish Times "Why Ireland became the only country in the democratic world to have a constitutional ban on abortion", Tuesday August 24th 2014, Fintan O'Toole outlines why:

"Opinion: Sectarian, paranoid, apocalyptic ideology gave us the eighth amendment

The most successful single issue movement in the history of the State, the Pro-Life Amendment Campaign (PLAC), was established in January 1981 by 13 organisations: the Congress of Catholic Secondary School Parents' Associations; the Irish Catholic Doctors' Guild; the Guild of Catholic Nurses; the Guild of Catholic Pharmacists; the Catholic Young Men's Society; the St Thomas More Society; the Irish Pro-Life Movement; the National Association of the Ovulation Method ("natural" contraception endorsed by the Catholic church); the Council of Social Concern (COSC); the Irish Responsible Society; the Society for the Protection of Unborn Children; the St Joseph's Young Priests Society (young Catholic priests, that is); and the Christian Brothers Schools Parents' Federation.

The initial meeting was chaired by the head of a 14th organisation that was immensely influential on the campaign behind the scenes, the secretive, all-male brotherhood the Order of the Knights of Columbanus. These are the bodies that made Ireland unique in the democratic world in having a ban on abortion in its constitution. In spite of a great deal of revisionism, their sectarian character is obvious: 10 of these bodies were explicitly and exclusively Catholic. The other four were almost entirely made up of conservative Catholic activists. (By contrast, all Irish Protestant churches opposed the amendment.) For all of these groups, abortion was just one front in a wider religious war."

8.2 Aid to the Church in Need, an organisation directly under the control of the Holy See, recently published a document on Religious Freedom which examined a two-year period up to June 2016. This Report states that religious freedom is subject to weakening political support in Ireland, because of the increasingly permissive societal attitudes towards sexual and reproductive morals. <sup>4</sup>

8.3 The Report suggest that, in tandem with this phenomenon, the Catholic Church believes that people cannot adhere to their religious beliefs, because Catholic hospitals are required to implement legislation such as the Protection of Human Life in Pregnancy Bill (2013), which 'provides for abortion in limited circumstances, including maternal suicidal ideation'.

8.4 The Report failed to mention that these hospitals are completely funded by the State. It is clear that the authors of this Report see the Eighth Amendment as protecting a certain moral view that is based on Catholic teaching, which is a reasonable conclusion because that is where the Eighth Amendment has come from.

## **9. The State must instead protect each individual conscience**

9.1 Most Irish people are aware that the Right to Freedom of Religion protects the rights of those with a religious conscience. But the Right is actually broader than that. It is a Right to Freedom of Thought, Conscience and Religion, and it also protects the rights of atheists and secularists whatever their religious beliefs. The State therefore should not impose laws on everybody that are

based only on the conscience of religious people. It should enable everybody to act in accordance with their own conscience, whether that conscience is religious, atheistic or secular.

9.2 Article 18 of the United Nations International Covenant on Civil & Political Rights states that: <sup>5</sup>

“1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.

2. No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.

3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.

4. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.”

9.3 The United Nations in its General Comment on Article 18 states clearly that: <sup>6</sup>

“1. The right to freedom of thought, conscience and religion (which includes the freedom to hold beliefs) in article 18.1 is far-reaching and profound; it encompasses freedom of thought on all matters, personal conviction and the commitment to religion or belief, whether manifested individually or in community with others. The Committee draws the attention of States parties to the fact that the freedom of thought and the freedom of conscience are protected equally with the freedom of religion and belief. The fundamental character of these freedoms is also reflected in the fact that this provision cannot be derogated from, even in time of public emergency, as stated in article 4.2 of the Covenant.

2. Article 18 protects theistic, non-theistic and atheistic beliefs, as well as the right not to profess any religion or belief. The terms “belief” and “religion” are to be broadly construed. Article 18 is not limited in its application to traditional religions or to religions and beliefs with institutional characteristics or practices analogous to those of traditional religions. The Committee therefore views with concern any tendency to discriminate against any religion or belief for any reason, including the fact that they are newly established, or represent religious minorities that may be the subject of hostility on the part of a predominant religious community.”

9.4 The above right is consistent with the interpretation of Article 9 of the European Convention on Human Rights. <sup>7</sup>

“Article 9 - Freedom of thought, conscience and religion

1. Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief and freedom, either alone or in community with others and in public or private, to manifest his religion or belief, in worship, teaching, practice and observance.

2. Freedom to manifest one's religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others.”

## 9.5 The European Court of Human Rights has stated that: <sup>8</sup>

“As enshrined in Article 9, freedom of thought, conscience and religion is one of the foundations of a “democratic society” within the meaning of the Convention. It is, in its religious dimension, one of the most vital elements that go to make up the identity of believers and their conception of life, but it is also a precious asset for atheists, agnostics, sceptics and the unconcerned. The pluralism indissociable from a democratic society, which has been dearly won over the centuries, depends on it.

While religious freedom is primarily a matter of individual conscience, it also implies, *inter alia*, freedom to “manifest [one’s] religion”. Bearing witness in words and deeds is bound up with the existence of religious convictions. According to Article 9, freedom to manifest one’s religion is not only exercisable in community with others, “in public” and within the circle of those whose faith one shares, but can also be asserted “alone” and “in private”; furthermore, it includes in principle the right to try to convince one’s neighbour, for example through “teaching”, failing which, moreover, “freedom to change [one’s] religion or belief”, enshrined in Article 9, would be likely to remain a dead letter.

## 9.6 Also relevant is Article 8 - Right to respect for private and family life

“1. Everyone has the right to respect for his private and family life, his home and his correspondence.

2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic wellbeing of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.”

## 10. Majority votes cannot justify denying the right to abortion

10.1 The United Nations Human Rights Committee has told the Irish State that majority votes can not be used to deny women the right to abortion in Ireland.

10.2 The European Court In *A,B,C v Ireland* has also stated that popular opinion can not be used to deny women the right to abortion in Ireland. The Court said:

“170. In any event, popular opinion could not be used by a State to justify a failure to protect human rights.”

10.3 The United Nations Human Rights Committee was even more emphatic. In 2014 the Committee was questioning Ireland about its duties under the International Covenant on Civil and Political Rights. The Committee concluded that Ireland should revise its legislation on abortion, including its Constitution, to provide for additional exceptions in cases of rape, incest, serious risks to the health of the mother, or fatal foetal abnormality.

10.4 During that session, The UN Human Rights Committee asked Ireland why it was in breach of the human right of pregnant women to an abortion, in wider circumstances than allowed by Irish law. The Irish State replied that Irish abortion law reflects the will of the Irish people, as allowed under Article 25 of the International Covenant on Civil and Political Rights.

10.5 The UN Human Rights Committee said that that was a completely unacceptable reason for denying human rights, and that the very core of human rights law is a safeguard against the tyranny of the majority. After a break in the session, the Irish Justice Minister Frances FitzGerald

formally withdrew the remark and accepted that “the majority will does not and can not derogate from human rights obligations.”

10.6 Here is a transcript of the relevant exchange at the UN Human Rights Committee, and the footnote links to a video of the exchange. <sup>9</sup>

Yuval Shany of the UN Human Rights Committee:

“I am however quite, well, very troubled, frankly, by the sweeping claim that has been made, that the free will of the Irish electorate may, by virtue of Article 25 of the Covenant, allow the Irish State to violate other provisions of the Covenant, including nonderogable provisions such as Articles 6 and 7 of the Covenant. I find this argument to be completely unacceptable, I should say, and one that strikes at the very core of human rights law as a safeguard against the tyranny of the majority, and one that cuts against the very *raison d’être* of having an international regime of universal human rights protections. And I call on the State Party to consider withdrawing that statement, on the ability of the Irish State to deviate from the Covenant at will, and to come up with some other explanations for why their laws and practices on abortion are compatible with the Covenant.”

Yuji Iwasawa of the UN Human Rights Committee:

“This morning I will ask some questions on issues 22 and 24. But before I address issues 22 and 24, I would like to join my colleague Mr Shany in pointing out that human rights cannot be denied by a majority vote in the Parliament. Arguments to justify a deviation from the protection of human rights under the Covenant by invoking article 25 of the Covenant cannot be accepted.”

Cornelis Flinterman of the UN Human Rights Committee:

“I would like to raise some follow-up questions on the very important issue of abortion. Let me first of all state that I share very much the concern expressed by my colleagues Mr Shany and Mr Iwasawa, of the reference by the Delegation to Article 25. There is no disagreement that a full and free discussion is crucial in any society, and that it is the cornerstone of any democratic and free society, as reflected also in our General Comment number 34 in which our former Irish member played such an important role, Michael Flaherty. Yet the outcome of such a discussion, even if it is full and free and informed, the outcome of such a discussion in the form of a parliamentary majority decision can never be used as an argument to legitimise the violation of substantive rights under the Covenant. As has been said, such an argument would indeed undermine the essence of the human rights framework both domestically and internationally.”

Irish Justice Minister Frances FitzGerald:

“On question 12, I would want to begin my comments in relation to this by referring to the comments of Mr Shany, Mr Iwasawa and Mr Flinterman. And I want to make it absolutely clear that the Government of Ireland recognises entirely the points made by the members of the Committee in relation to Article 25, that the majority will does not and can not derogate from human rights obligations, and I hope that’s a very clear statement of our position.”

Yuval Shany of the UN Human Rights Committee:

“I am very pleased to hear the Minister’s unambiguous statement on Article 25 of the Covenant, and I appreciate the Delegation’s immediate response to our concern in this regard.”

10.7 However, just two days later, Tanaiste Joan Burton defied the UN by saying that majority votes can be used to deny human rights. Speaking in the Dail, she ruled out an abortion referendum being held in the lifetime of the then Government, and gave as her reason that “as democrats everyone must accept the will of the people”.

## **11. Summary**

11.1 The current situation in Ireland with regards to access to abortion does not respect freedom of conscience. The State claims amendment is based on ‘profound moral values’, but the Irish people have different moral values on abortion. Making abortion illegal is certainly not a settled moral value. In making abortion illegal, the State is protecting the moral values of the Catholic Church. The State must instead protect the moral values and individual conscience of atheists and secularists, regardless of their religious beliefs. Majority votes cannot justify denying the right to abortion.

11.2 Atheist Ireland supports repeal of the Eighth Amendment.

11.3 The religiously-inspired or faith-based view on abortion holds no greater authority than that of the non-religious or secular view. In fact the religious-inspired viewpoint on abortion holds less authority as it is opinion-based rather than evidence-based.

11.4 The expert opinion presented to the Citizens’ Assembly should be evidence-based and grounded in human rights. It should not include faith-based views. However, if the religious are invited to give expert opinion, then the voice of the non-religious should also be included by inviting Atheist Ireland.

11.5 We have already addressed the Oireachtas Joint Health Committee on this issue, as well as various international human rights regulatory bodies. We bring a unique perspective to your deliberations, based on the equal right to freedom of conscience of atheists and secularists in Ireland with regard to the right to abortion.

11.6 Atheist Ireland argues that the Eighth Amendment to our Constitution is religiously-inspired. In a secular, pluralist democracy people are free to hold whatever religious, ethical and moral beliefs they wish, but they do not have the right to impose those religious views on pregnant women who do not share those religious values.

11.7 Abortion should not be dealt with within our Constitution.

11.8 Atheist Ireland also argues that access to abortion is a healthcare issue. We have dealt with no other health care issue in our Constitution. The Constitution is not the place to be dealing with matters pertaining to healthcare.

11.9 The Citizens’ Assembly should not only recommend that a referendum on the Eighth Amendment is held at the soonest possible time, but that it should not be replaced by any alternative wording. The Eighth should be repealed and not replaced.

11.10 Only the full repeal of the Eighth Amendment will allow the Oireachtas to properly formulate legislation on abortion. Anything less than a full repeal will simply mean we will be returning to the issue again in the future.

## 12. Sources

<sup>1</sup> <http://hudoc.echr.coe.int/app/conversion/pdf/?library=ECHR&id=001-102332&filename=001-102332.pdf>

<sup>2</sup> [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR/C/116/D/2324/2013&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR/C/116/D/2324/2013&Lang=en)

<sup>3</sup> <http://hudoc.echr.coe.int/app/conversion/pdf/?library=ECHR&id=001-102332&filename=001-102332.pdf>

<sup>4</sup> [http://religion-freedom-report.org.uk/?doing\\_wp\\_cron=1481228182.3167788982391357421875](http://religion-freedom-report.org.uk/?doing_wp_cron=1481228182.3167788982391357421875)

<sup>5</sup> <http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>

<sup>6</sup> <http://www.refworld.org/docid/453883fb22.html>

<sup>7</sup> [http://www.echr.coe.int/Documents/Convention\\_ENG.pdf](http://www.echr.coe.int/Documents/Convention_ENG.pdf)

<sup>8</sup> Kokkinakis v. Greece, judgment of 25 May 1993, Series A no. 260-A, at para. 31.

<sup>9</sup> <http://atheist.ie/2014/08/irish-government-accepts-abortion-rights-cannot-be-denied-by-majority-votes-video-and-transcript/>