

Irish abortion laws a cry for change law medical essay

Law



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By Parth Shah and Shubhangi Bhatnagar[*] Abstract Abortion and the laws related to it have always been surrounded by debates, drawing arguments in support and against them from various religious beliefs, ethics, morals and the very subjective concepts of right and wrong. These debates have raised very significant, yet complex legal questions of whether a foetus is a living being, does it have the right of being carried in the womb till it is ready to be born. whether it's right to life supersedes that of his mother and if the mother has the right to decide when to give birth amongst many others. Abortion laws having become a moot point, countries all over the world have different criterion for allowing or banning the same. One of several countries having almost chaotic abortion laws is Ireland, which has in spite of various judgments of national and supranational courts, failed to update and modify its laws and allow abortion in even in the cases of rape or incest. This article embarks on an analysis of Irish abortion laws from past to present through various landmark judgments. In the existing era of awareness of individual rights and State obligation, the rights of the unborn child and the mother need to be balanced. Constant efforts need to be made to prevent religious beliefs superseding the rationality of law in today's heterogeneous society. Following this very principle this Article highlights the ambiguous position of the Irish abortion laws and the need to modify the same. IRISH ABORTION LAWS: A CRY FOR CHANGE I - Introduction Ireland and abortion - In past six months, these two garnered a lot of attention. Death of an Indian woman due to the country following strict anti abortion laws caught the attention of the media and citizens and the international community. However, this is not for the first time that the Republic of Ireland has faced global ire due to their

abortion laws. This article sets out on a journey to understand the Irish position on abortion laws, the ambiguity which still exists and the need to clarify the same in the modern times. It also analyzes similar confusions and conflicts which exist in various other countries of not only Europe but of the world. Since gaining its independence from Britain[1], the republic of Ireland has effectuated certain policies of the Catholic Church - a result of ninety percent of its population being Catholic[2]. This influence reflects in Ireland's policy on abortion, which some prefer to term as pro-life. However, in the past decade, the supporters of this Irish policy on abortion have substantially decreased and the demand for change has been made time and again. There have been several decisions by the Supreme Court of Ireland and ambiguous legislations by the Irish parliament, but no concrete solution has been provided for this issue.

II- Irish Abortion Laws from Past to Present

Abortion has been illegal under the common law of Ireland since the mid 19th Century[3]. Sections 58 and 59 of the Offences against the Person Act of 1861 made it unlawful for any woman or any other person to procure an abortion and for a woman or any other person to supply any instrument to procure an abortion. A liberal approach was seen in the 1939 English Decision of *Rex v. Bourne*[4], which held that a physician who had performed an abortion was not liable under the 1861 Act, where the abortion was necessary to keep the woman from becoming a physical or mental wreck[5]. The issue of abortion laws in Ireland was again raised when most of the European Countries and United States allowed for abortion and England passed the Abortion Act in 1967. However, the Irish Parliament in 1979 passed the Health Family Planning Act, reaffirming the abortion stand

mentioned in Offences against the People Act. The legislations brought a change in the approach of the courts of law in Ireland with regard to the issue of abortion. It started protecting human rights on the grounds that certain fundamental rights are superior and antecedent to man-made law. In *Ryan v Attorney General*[6], the court held the right of bodily integrity was a personal right tacitly contemplated by Article 40. 3. 1. But in 1974, through *Mcgee v Attorney General*,[7]the Court reinforced the position and precedence of Natural Law[8], holding that there is no right to import contraceptives not legally available in Ireland[9], but it did recognize the right of marital privacy as a personal right under Constitution. Then in 1981, pro-life activists started campaigning for a constitutional amendment which culminated into the Eighth Amendment, codified as article 40. 3. 3[10]. This was followed by a series of matters which contributed in shaping the abortion laws of Ireland. A. The First Information Case: *SPUC v. Open Door*[11]After the passing of the Eighth Amendment, the pro-life activists wanted to put a stop to women going abroad for abortions and hence family planning clinics advertising abortion services mainly in Britain[12]were targeted. In 1985 one such group called Society for the Protection of Unborn Children (SPUC) brought suit against Open Door Counselling Ltd. and Dublin Well Woman Centre Ltd, alleging that their activists were guilty of violating the Eighth Amendment. The High Court upheld this contention that this action violated the Eighth Amendment, as the activity engaged was in destruction of the " Fundamental" Right of the unborn[13]and the Supreme Court followed suit, resulting in permanent injunctions for such clinics. In an appeal to the European Commission on Human Rights it was contended that

such injunction was against Article Eight, Ten and Fourteen of the ECHR. The commission decided the case solely on the basis of the claim to freedom of expression. The question was about whether interference was 'prescribed by law', as required by Article ten, the commission concluded the clinics could not have foreseen that Irish law prohibited their actions[14] as a restraint is legal if it is "adequately accessible and reasonably foreseeable"[15]. The case went to the ECHR which upheld Commission's decision but found the injunction violative of Article Ten for different reasons[16] holding that the diffusion of information were "broad and disproportionate" in relation to its purpose of protecting morals. Finally, the injunction was found to be violative of Article Ten[17]. However, the issue of the existence of right to abortion was avoided by the court. B. The Second Information Case: SPUC v. Grogan[18] This case dealt with the controversy started by the Eighth Amendment. SPUC sued three student organizations that published the details of abortion clinics in Great Britain, contending that it violated right to life of the unborn and requested an injunction[19] but the same was not granted. The student groups argued that their activities were protected under Articles Fifty Nine and Sixty of the (European Economic Commission) EEC Treaty, guaranteeing right to travel between member states to receive services. The Supreme Court held that High Court gave two decisions cancelling out the contention raised by the student group, referring the case to ECJ and not granting an injunction. The Court held that, where the right sought to be protected is that of a life, no putative right may exist in EC law as a corollary to the right to travel to procure services, making sure that the decision of ECJ did not affect the Irish stand on this issue[20]. This

case raised the importance of community law and public policy[21]of the country in such a matter and hence the High Court on basis of this order granted permanent injunction[22]C. The X Case[23]This was perhaps the most controversial case ever heard in the Irish Supreme Court, changing the landscape of abortion forcing the court to decide upon the relation between Abortion and Article 40. 3. 3 of the Constitution of Ireland. The case saw a fourteen year old girl conceive as a result of repeatedly being raped by the father of a friend[24]. Before the High Court, it was argued by X that the right to life of the unborn is subordinate to the right of the life of the mother. But the court awarded a permanent injunction holding that as per Article 40. 3. 3., killing of an unborn child is repugnant to Irish law. Further reasoning was given on the basis of the public policy[25]and community law superseding the right to travel provided to the EU citizens. On the possibility of X committing suicide, if forced to carry the pregnancy to term, the court applied a balancing test i. e. in case the order was not granted, the suicide being committed was only probable but if the order was granted, death of the unborn child was assured of. However, the Supreme Court quashed the High Court order by a four-is-to-one majority holding that the pregnancy represented a " real and substantial risk" to the mother's life and such a termination can be allowed under Article 40. 3. 3 of the Constitution for it is nearly impossible to prevent suicide[26]. What this meant for the layman was that an Irish woman could get an abortion out of Ireland if the threat amounted to substantial risk to her life but the court failed to define the circumstances which would amount to substantial risk, resulting in ambiguity. Many also raised the question of allowing abortion within Ireland

itself in case of substantial risk to the life of the mother. This question, however, remained unanswered. There were several after effects from this. Firstly there was the Maastricht Treaty, which was going through a referendum to promote development as a whole among the EU. The government had added Protocol 17 which would not affect Irish policies after ratification of the treaty. A referendum in 1992 was also introduced which gave rise to the thirteenth amendment and fourteenth amendment. While the former allowed people to go abroad for abortion, the latter imposed certain conditions on the same - maintaining the ambiguous status and giving the judiciary the power to decide the circumstances henceforth. In March 1995, a bill called The Abortion Information Act[27], providing freedom of information for services legally available in other states, was passed. The Court unanimously ruled that it did not violate any Constitutional provisions. In doing so, the court upheld that amendments violating natural law are not entirely barred and reaffirmed the decision of the X case[28]. However, no proper reasoning was given for this departure from the natural law. Many believe it was an attempt to bring the Irish laws in consonance with the norms of EU and to reduce the increasing pressure of the EU to change abortion laws. D. The C Case[29] This particular case showcased the change in the ideology of the Irish citizens. In the fall of 1997, a thirteen year old girl, impregnated by rape was placed into temporary care with the health board[30], she wanted to travel to England to get aborted. The health board was standing as loco parentis, and asked for permission from the High Court for the abortion, which was granted. However, when the parents of the girl objected, the appeal was dismissed and the abortion was

allowed[31]. This case showed that there was no fixed criterion to show and prove real and substantial risk on the part of the mother-to-be. The C Case caused the government to commission " Green Paper on Abortion" in 1999 to improve the ambiguity surrounding the abortion laws and the right to travel. A constitutional amendment (Twenty-Fifth) and referendum was announced for the same granting constitutional safeguards to medical practitioners who terminated a pregnancy in order to protect the life of a mother[32]and made it clear that the exception of risk of suicide would be no longer a valid reason to seek an abortion[33]. The referendum which came in 2002 was indirectly vague about the usage of the morning-after pill[34]and was rejected by a narrow vote of less than 10, 000 votes[35]implying that the people were still not ready for a major change in the abortion laws and taking leave from the catholic principles and it might have been also present due to the confusion created by the statement by the church about the inclusion of the Morning after pill at first citing the definition of the referendum[36]at first but then rejecting the proposition and the media then making a huge hue and cry out of it[37]. E. A, B and C v Ireland[38]The case dealt with Article Eight of ECHR where three women approached the ECtHR contending that Irish authorities had failed to provide an accessible and effective procedure to establish if a woman qualifies for an abortion. The court held that the Irish laws were in contradiction of the provisions of ECHR. A detailed analysis of the same is provided in the following section[39].

III - Europe's Approach towards Abortion

Europe has one of the most unique systems of governance in the world. Many of the nations in this region of the world have come together to form the Council of Europe and the European Union. The former is an

international organization in Strasbourg comprising of Forty Seven countries aiming at promoting democracy and protecting Human Rights and Rule of Law in Europe. The latter comprises of Twenty Seven members currently which have delegated some of their sovereignty in order to make decisions on some key issues at a European level. European Commission of Human Rights deals with the protection of human rights in the European region with respect to individuals as well as states. The European Convention on Human Rights (ECHR) is the treaty through which the member states of Council of Europe have undertaken to respect fundamental rights. The European Court of Human rights (ECtHR) is the judicial organ set under the European Commission of Human Rights. In contrast to this is the Court of Justice (ECJ) of the European Union which deals with compliance and interpretation of laws within the European Union while the Charter of Fundamental Rights of the European Union (hereinafter referred to as the Charter), adopted through the 2009 Lisbon Treaty. Ireland being a member of both, EC and EU, is bound by the decisions of the European Court of Human Rights (ECtHR) as well as those of the European Court of Justice (ECJ) and is also bound by the provisions of the European Convention on Human Rights and the European Union Charter of Fundamental Rights. However, it was held in the X case^[40] that while Ireland is bound by the laws of EC, deviation can be allowed in exceptional cases where the State's Public policy, public health or public security is at risk. At the same time, this does not mean that the State will always be allowed to flout EC laws to full fill obligations imposed upon it domestically as is in the case of Irish Constitution to protect the life of the unborn child. The European Convention on Human Rights provides for, the

Right to Life under Article Two and the Right to Respect for Private and Family Life (Article Eight), while the Charter provides for Human Dignity (Article One), Right to Life (Article Two) and Right to the Integrity of the Person (Article Three)[41]. Article One explicitly states that ' human dignity is inviolable'. The courts have expounded upon the meaning and scope of these provisions through various cases, the most famous in Ireland being the *A B and C v. Ireland*[42]where three women approached the European Court of Human Rights in 2005 after conceiving unintentionally and facing harassment due to the anti abortion laws in Ireland. The main contention of the applicants was that their human rights under European Convention on Human Rights like Right to life under Article Two, Prohibition of torture under Article Three, Right to Respect for Family and Private Life under Article Eight and Prohibition of Discrimination under Article Fourteen had been violated. It was held unanimously by the court that the then existing Irish laws on abortion were violative of Article Eight of the ECHR and needed to be amended and modified and directed that abortion for saving the life of the mother must be made legal, and available to the people. The ECJ has also given similar decisions in the matters of *Society for Protection of Unborn Children v. Grogan*[43]where it expounded upon the meaning and scope of Article Fifty Nine and Sixty of the EEC (European Economic Convention) Treaty, which is also binding on Ireland, holding that while Article Sixty defines services, Article Fifty-Nine prohibits member States from imposing restrictions on EC citizens who wish to provide services in the EC. It observed that ' services' would include medical service of abortion also. Further, in *Luisi and Carbone v. Ministero del Tesoro*[44], the ECJ observed that the right

to travel extends and applies to any person who wishes to cross a border and has the means to pay for some sort of service[45]. These judgments show that European Union along with majority of its members support abortion when the mother's life is in danger and are in favour of letting a woman exercise her right to decide when to and under what circumstances to give birth. The Maastricht Treaty, which led to the creation of European Union and established the three pillars of EU in the form of EC, Common Foreign and Security Policy (CFSP) and the Justice and Home Affairs (JHA), contains a solemn declaration in its Protocol Seventeen wherein, Ireland declares that the Protocol does not aim at limiting the freedom to travel between member states or to impose restriction on collecting information of services available in other EU countries. This means that Irish laws cannot be applied or interpreted in a manner which takes away or restricts the right of women to travel or collect information about abortion in other member countries of European Union. While Europe has many countries like Ireland with anti-abortion laws; its supranational bodies and regional mechanisms for protection of human rights along with laws of other member nations which allow abortion, have upheld the right to life of the mother and have clarified that in spite of cultural and ethnical differences, majority are in favour of allowing abortion, giving women right to decide when to procreate and the right to protect their lives if the foetus endangers the same. IV. Conflict in other Countries

The issue of abortion has always been shrouded with controversies and debates on the grounds of ethics, morals, religion and in the modern times, human rights. Thus, governments all over the world have been struggling since long to arrive at a feasible and least controversial

solution. In Chile, abortion was legalized in 1967 by the Chilean Health Code in case where the mother's life was in danger. However, it was reversed by the then President Augusto Pinochet and abortion has, since then, been illegal in all and any case. In El Salvador, abortion is illegal in all cases including danger to life of the mother or any other medical necessity. The same holds true for Nicaragua where earlier, abortion was allowed if at least three doctors suggested the same. While on one hand, some countries ban abortion, others have no laws to regulate the same. In 1988, the Supreme Court of Canada ruled that the then existing abortion rules were unconstitutional. This resulted in abortion being legalized for all or any cause, all in the absence of any law to regulate it. While in the former case, abortions continue illegally, putting the life of the mother and the unborn child in danger and in many cases, violating the mother's right to life, the latter violates the rights of the unborn child. In Western Europe, Ireland stands out as the black sheep among countries like Greece, Great Britain, Germany, Spain, Sweden, where abortion is legal^[46] for social, economic reasons or to save the life of the mother within different time spans of conceiving. Majority of European countries allow abortion on request^[47]. But Poland and few others join Ireland in their chaotic and ambiguous approach towards abortion laws. Poland has recently seen efforts to eliminate all exceptions to abortion, including medical emergency, and ban it entirely. The ECtHR has held that Poland does not have a coherent legal framework to regulate abortion practices^[48]. The exceptions wherein the service can be utilized, is being mis-used such as terminating the pregnancy even where the foetus does not suffer from a life threatening disease. At the same time,

anti abortion sentiments are very strong and do not allow abortion in any condition except for when the pregnancy is a result of rape, is a risk to the health of the mother or the foetus is severely deformed. The result is high numbers of illegal abortion and increasing pressure on the Polish government to liberalize its approach towards abortion. The United States of America has also faced the dilemma of legalizing abortion and its consequences in the society and on the rights of individuals. In 1973 the decision in *Roe v. Wade*[49] gave women the right to terminate their pregnancies but also gave rise to the attempts by the government to regulate the same. The decision divided the nine months of the pregnancy into trimesters and specified those in which the state had the interest to protect the life of the mother and could allow abortion to attain the same. In *Webster v. Reproductive Health Services*[50], the court upheld the validity of the government regulation which prohibited public health workers from performing abortions until the mother's life was in danger. This case showed the Court's willingness to allow the States to impose restrictions on abortion laws. The *Casey* case became another landmark decision with respect to abortion laws. It allowed state intervention for virtually, the entire term of the pregnancy and liberalized the standards to determine the need for abortion. Its consequences involved patient being given more information about the procedure than that which was necessary aiming to dissuade her from opting for the procedure. It also required minors to obtain the permission from both parents before undergoing abortion except in case of danger to life of the mother. Following such decisions, USA saw a trend of the courts allowing abortion on one hand but also upholding the state's

attempts to regulate or restrict the same in cases such as *Stenberg v. Carhart*[51] where partial-birth abortion (a technique of abortion) in Nebraska was banned and in *Gonzalez v. Carhart*[52] and *Gonzalez v. Planned Parenthood Federation of America*[53] in 2007 where the court upheld the federal law known as the Partial Birth Abortion Act which bans abortion, using a specific technique, a deviation from a previous High Court judgment which required any anti-abortion law to include protecting the life of the mother as an exception[54]. At present, law allows abortion however, is very strict when it comes to the procedure of partial birth. The debate on validating the same to protect the life of the mother continues. Recently, Rwanda, a small country in Eastern Africa recently updated its abortion laws. The previous laws allowed abortion in case of medical emergency and had been in force since 1977. The revised Penal Code of Rwanda legalizes abortion when the pregnancy is a result of rape, forced marriage, intercourse between very close relatives and threat to the life of the mother-to-be under Article 165. While the law is an attempt to protect the rights of women and modify the laws in light of modernized society, liberalized views and increased awareness with respect to human rights, it is facing criticism from various sections of the society who on religious, cultural and ethical grounds refuse to accept abortion. Back in India, abortion laws underwent liberalization after the Medical Termination of Pregnancy Act was enforced in 1971 which allows abortion to preserve the physical, mental health of the mother or her life, in cases where it is a result of incest or rape, in cases of foetal impairment, for economic and social reasons or on contraceptive failure on part of either husband or wife. The aforesaid Act allows abortion

under broader grounds than those available under the Penal Code. The government has medical termination of pregnancy must not be understood as a mode of family planning or reducing the birth rate. The Courts too have had a pro-life approach and have allowed the mother to carry the pregnancy till term where she wished the same but was not being allowed due to her poor mental condition. While abortion laws in the country are very liberal and have thus helped to protect the right to life and that of privacy of many women, it has also given rise to sex-selective abortion in this patriarchal society of the world. This in turn has played havoc with the child-sex ratio. V. Conflict with the Rights of the Unborn

The UNFPO defines reproductive rights as follows[55]: "Reproductive rights rest on the recognition of the basic rights of all the couples and individuals to decide freely and responsibly the number, spacing and timing of their children and to have the information and means to do so, and the right to attain the highest standard of sexual and reproductive health. They also include the right of all to make decisions concerning reproduction free of discrimination, coercion and violence". The European Union covers various policy issues through its law making bodies. Family matters, including the rights of the child, are covered by the European Economic and Social Committee. This instrumentality of the EU has played a very significant role in protecting the rights of the child through Article Two of Protocol No. 1 (Right to education) and with respect to birth, education and adoption[56]. It has, however, not covered the conflicting rights of the mother which includes the right to not give birth. According to a survey conducted by the IIPF in May 2012, eleven member nations of European Union do not have the facility of medical abortion. Some of these

include Albania, Bulgaria, Ireland, Poland, Hungary amongst others[57]. The international community has been very active since the late twentieth century in its attempts to protect the rights of the child, including those of the unborn child. However, the feminist movements have brought to light the rights of the mother also which empower her to decide when her body is to be used for the purpose of procreation. The right to life is, in such a scenario, to be balanced between the mother and the child. In cases where the impregnation has been the result of a rape or non-consensual intercourse or where, either the unborn child or the mother, suffer from a fatal disease like AIDS or some genetic condition, the right to life of the mother needs to be weighed with that of the child. Each woman should have the choice of abortion to be able to exercise her right to life when the pregnancy threatens the same. In cases where the pregnancy is the result of a rape or where the mother-to-be is herself a child, she must be given the choice to decide and determine if her body is physically and mentally prepared to meet the demands of a pregnancy, a child. forcing a woman to give birth to a child she does not want or who will not survive till term, violates the right to privacy, dignity of the woman and the right to life of not only the mother but also the child. It needs to be understood that the right to life is not just mere survival but includes the health, dignity and other means necessary to lead a life with respect. Such right needs to be assured to a woman not because of feminism but due to the fact that she is a human and the same have been recognized at the international level many times now. While the critics of abortion laws contend that the unborn child too has a right of life which cannot be taken away and that abortion is synonymous to

killing or murder, imposing an absolute ban on abortion in all cases too, is not a wise policy. Protecting the right of life of one should not result in the death of another. Further, in case of abortion, the life of the child depends upon that of the mother and thus, claims of protecting the life of the unborn foetus at the cost of the mother's life are baseless and not justified. Where the woman is not fit or healthy enough to carry a pregnancy or where the impregnation has been done against her will, she should be given the right to live. In case of Ireland, Article 40. 3. 3 provides an unborn child with a right to life equal to that of the mother[58]. However, the provision clarifies that such equality of right will not be applicable to travel from one state to another or have any implication on availing services in other states which are lawful there but unlawful in Ireland. This means that travelling outside Ireland to another State where abortion is legal will not result in violation of Article 40. 3. 3. But the right to travel abroad to procuring abortion is subject to the condition of real and substantial risk to the life of the mother. This criterion is highly subjective and can be difficult to prove by a patient in the absence of any guidelines issued for the same. However, judgments of supranational bodies which are more or less binding on member nations in the EC and EU have made it clear that the right to abortion for at least protecting the right of the mother needs to be protected. The right to bodily integrity[59], which is one of the unremunerated right in the Irish Constitution, discovered by the Courts of law, also prevents the state from doing anything which may cause harm to a person's life or health. It needs to be understood that the right to life is not mere physical existence. It incorporates the right to live life with dignity and respect, free of physical or

mental ailments. Being forced to carry a pregnancy to its term can leave the woman a physical and mental wreck[60]. VI. Recent DevelopmentsThe year 2012 saw the death of a thirty one year old citizen of India, Savita Halappanavar, who was working as a dentist, in the University Hospital Galway[61]of Ireland after suffering from a miscarriage for days but being denied the service of abortion till the time the foetus had a heartbeat[62]. By the time she qualified for medical procedures, substantial damage had been suffered by her internal organs resulting in her death from organ failure and septicaemia. This case drew outrage in the country[63]and outside it in form of protests, candle light vigils, extensive coverage by media mounting the pressure on Ireland once again to review and modify its abortion laws. Under this severe social and political pressure to introduce legislation in accordance of the X Case, the government issued statements that an improved legislation would soon be enforced to legalize abortion in Ireland[64]. An almost deadlock was formed when the Indian Government[65]and Amnesty International[66]and United Nations supported the need to modify abortion laws on one hand and Pope Benedict declared his support to the pro-life or the anti-abortion laws advocates[67]. The issue has been marred with high controversy. It is possible that the proposed legalisation if enacted, will not be any different than the constitutional amendments that were enacted after the X Case i. e. ambiguous and keeping the power with Irish Government or judiciary to decide the issue. The Irish government is extremely vary of Catholic principles and even though the people have changed their thinking about abortion as shown by major surveys[68]and the country opening its first abortion centre amidst protests the people of the republic of Ireland

have become socially acceptable to such inhumane laws but the government is not ready to depart from its catholic principles for now. The proposed legislation will focus on The X Case and the decision of the Supreme Court and the government will try and form guidelines about how and when a woman qualifies for an abortion under Irish Law and what circumstances define " real and substantial risk" as the ECHR wanted to know in the A, B and C Case. The proposed legislation is set to be presented in this year only amidst International Pressure. V. Conclusion It has been two years since the AB and C judgment was given and the ECHR directed Ireland to modify its laws with regard to abortion. However, it has taken the death of a foreign national to wake up the government to make the required modifications. The Irish government has been slow in taking actions to implement this decision of the ECtHR even though it is binding on all member nations. In spite of widespread disapproval of the attitude of the government towards abortion laws, no major steps have been taken towards the same. While promises have been made under pressure from international community and citizens of Ireland themselves, actual growth or work needs to be still seen. Pending a final decision and legislation from the government, many more women have undergone abortion illegally or have been forced to carry a pregnancy to its term in spite of danger to their life. As a result, many women have lost their right over their own body and the right to life. They have been forced to travel to England or Scotland for abortions even if it is to protect their own lives. While judicial precedents exist in the form of Judgments of Irish courts as well as the European Court of Human Rights, no formal legislation has been passed to crystallize the ratio of these decisions. The result has been

utter confusion about the actual legal position, increasing complexity of the rights of the mother viz a viz those of the child. The duty of the government to make the required changes increases not due to international pressure but due to internal demands for the same. According to a poll conducted recently, eight out of ten Irish citizens wanted the abortion laws to be changed[69]. Being a democracy, the laws of the nation must reflect the will of the people. Thus, change is needed not only to confirm to the changed notions of women's rights and dignity of human rights but also to reaffirm the faith of the people in their government.