



How the Eighth Amendment Impacts on Consultations with Doctors

Discussion between a pregnant woman and her doctor in Ireland is regulated by law in a different way than any other patient who attends their doctor for any other health issue¹.

BECAUSE OF THE EIGHTH AMENDMENT

Uniquely when speaking to pregnant women doctors are instructed by law regarding what they can and cannot say to their patient. This is not the case with any other part of healthcare.

The law says that women in crisis pregnancies who ask their doctors for counselling and advice must be 'fully informed' about the options of parenting and adoption, regardless of the pregnant woman's expressed wishes.

The law does not exempt women who have been raped. A woman who has been raped and who does not wish to have parenting or adoption discussed cannot insist that this is respected.

The law forbids doctors from making 'appointments or other arrangements' for a woman who decides to travel to providers of abortion services outside of Ireland eg an English clinic. For other health problems doctors routinely make appointments for patients, including overseas.

This law precludes a doctor from writing a referral letter as this could be construed as assisting in the 'making of appointments and arrangements'. Again this is unique in health care and considered by doctors to be unsafe. Doctors can circumvent this by giving a woman a copy of her records detailing past medical history, medication and allergies as this is not a referral.

The newly enacted Protection of Life During Pregnancy Act 2013 makes it a crime for a woman to seek to access an abortion in Ireland outside the limited indications of the Act, for example by importing abortion pills for use by herself or a relative. Any person can report such an alleged crime to the Gardaí. This theoretically includes a doctor making such a report although this has not been known to happen.



Criminalisation deters some women from seeking medical advice when they need it. When they do seek help it may be delayed and they may not give their full history of taking medication accessed online and instead say they have had a miscarriage. Not having an honest relationship with your doctor can be a direct result of the 8th Amendment and can be detrimental to a woman's health and is bad medicine.

Some women have stated that the stress of having to find out themselves how to make their own arrangements with abortion clinics abroad,

while experiencing a crisis pregnancy, and under time and other pressures, has traumatised them more than having to make the decision whether to have the procedure or not. They have described to general practitioners how they felt they were floundering – ringing hospitals and clinics abroad in an attempt to find the correct service for their needs, which then added to their feeling of being isolated and stigmatised².

There is nothing about the Eighth Amendment that is good for women's health.



Prepared by Doctors for Choice Ireland, February 2018

References:

1. Regulation of Information (Services Outside the State For Termination of Pregnancies) Act, 1995
2. Patient statements to GP members of Doctors for Choice