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Die Referendum Commission in Irland

1. Einleitung / Wichtigste Informationen

Einzigartig in Europa ist eine irische Institution, die 1998 gegründet wurde und zum Ziel hat, die Bürgerinnen und Bürger möglichst unabhängig über eine bevorstehende Volksabstimmung sachlich und verständlich zu informieren sowie eine hohe Stimmbeteiligung zu erzielen: Die Referendum Commission.

Das folgende Portrait soll grundlegende Informationen zu dieser Institution liefern und deren Entstehung, Arbeit und Ressourcen skizzieren.

Ausgewertet wurde neben Internetseiten und speziell der Homepage der Referendum Commission:

www.refcom.ie auch die Antworten des Sekretariats der Kommission auf mehrere vertiefende Fragen des Autors.

Das Wichtigste in Kürze

- Die Arbeit basiert auf einer gesetzlichen Grundlage: Die Kommission wurde per Gesetz 1998 („Referendum Act“) gegründet, das Gesetz wurde 2001 ergänzt. Anlass für die Entstehung war eine Klage der irischen Parlamentarierin MCKENNA.
- „Die“ Kommission gibt es nicht als ständige Einrichtung, sondern im Vorfeld einer Volksabstimmung wird jeweils „eine“ Kommission eingesetzt. Federführend bei der Bildung ist dabei das Ministerium für Umwelt und Kommunalpolitik.

- Nach Einrichtung der Kommission erhält die Kommission ein Budget zugewiesen. Dieses betrug bei der letzten Volksabstimmung ca. 3 Millionen Euro.
- Generell wird die Arbeit unterstützt durch das Sekretariat des Büros des Bürgerbeauftragten / Ombudsmannes der irischen Regierung, vor allem in der „abstimmungsfreien Zeit.“
- Den Vorsitz hat ein ehemaliger oder derzeitiger Richter an einem der Oberen Gerichte inne; Weitere Mitglieder sind: „the Clerk of the Dáil, the Clerk of the Seanad (Parlamentshäuser), the Ombudsman and the Comptroller and Auditor General“. Ein kleiner Stab hauptamtlicher Mitarbeiter unterstützt die Arbeit der Kommission.
- Die Kommission war seit 1998 an vier Abstimmungsterminen mit insgesamt sieben Abstimmungsvorlagen (darunter die Abstimmung über den Vertrag von Nizza) aktiv und ist mittlerweile sehr bekannt in Irland.

2. Entstehungsgeschichte und rechtliche Grundlage

Die Kommission wurde 1998 gegründet und basiert auf dem **Referendum Act**, 1998 (ergänzt durch den Referendum Act 2001). Vorausgegangen war eine Entscheidung des Irish Supreme Courts im Fall PATRICIA MCKENNA, irische Abgeordnete (Grüne), die gegen die Einseitigkeit des Einsatzes von Steuergeldern geklagt hatte.

Der Gerichtshof entschied, dass die Regierung nicht nur Geld (der Steuerzahler) für *eine der beiden Seiten* im Vorfeld einer Abstimmung ausgeben dürfe und die somit bestehenden Ungleichheiten ausgeglichen werden müssten.

Im Gesetz, dem Referendum Act, wird die Zusammensetzung, die Aufgaben, Funktionen und Wirkungsweisen der Kommission detailliert beschrieben.

Das Gesetz ist im PDF-Format abrufbar unter <http://www.gov.ie/bills28/acts/2001/a5301.pdf>

Bislang wirkte die Kommission bei folgenden Abstimmungen mit (Stand: Juni 2002):

- Referendum on the Amsterdam Treaty held on 22 May, 1998
- Referendum on the Northern Ireland Agreements held on 22 May, 1998
- Referendum on the Recognition of Local Government held on 11 June, 1999
- Referendum on the Abolition of the Death Penalty held on June 7, 2001
- Referendum on the Acceptance of the Jurisdiction of the International Criminal Court held on June 7, 2001
- Referendum on the Treaty of Nice held on June 7, 2001
- Referendum on the Protection of Human Life in Pregnancy Bill, 2001/2002

3. Hauptarbeitsgebiete

Hauptziele und Aufgaben sind

- Erstellung eines Reports im Vorfeld einer Volksabstimmung
- Erklärung des Abstimmungsgegenstands für die Bevölkerung auf möglichst verständliche Art und Weise und so einfach und effektiv wie möglich
- Förderung der öffentlichen Aufmerksamkeit
- Erhöhung der Stimmbeteiligung

„The primary role of the Commission is to explain the subject matter of the referendum to the population at large, as simply and effectively as possible, to promote public awareness of the referendum and encourage the electorate to vote at the poll.“

a) Der Report

Der Report ist ein Kernstück der Arbeit der Kommission, der im Vorfeld der Abstimmung erarbeitet wird. Er soll in verständlicher Sprache die wichtigsten Informationen, Argumente und Hintergründe enthalten, auf Auswirkungen eines mehrheitlichen „Ja“ bzw. „Nein“ hinweisen und enthält Argumente und evtl. auch Adressen/Links von Befürwortern und Gegnern.

Die Befürworter bzw. Gegner kommen jedoch nicht direkt zu Wort bzw. haben dort keinen Platz zur Selbstdarstellung.

Ferner enthält der Report auch - soweit möglich - die Gesetzentwürfe im Wortlaut sowie Informationen zu technischen Aspekten des Referendums (z.B. wer stimmberechtigt ist usw.).

Der Report ist kostenlos erhältlich, ferner ist er über die Homepage downloadbar. Er ist auf Anfrage in irischer Sprache und sowohl als Kassette als auch in Blindenschrift erhältlich.

Im Anhang befindet sich der Text des jüngsten Reports zur Abtreibungs-Volksabstimmung 2001/2002.

Kritik: Der näher betrachtete Report zur Abtreibung (s. Anhang 2) erscheint etwas zu wenig ausführlich: Wünschenswert wären z. B. mehr Fakten (z. B. Daten und Zahlen zu Abtreibungen, Daten zur strafrechtlichen Verfolgung), mehr Grafiken/Übersichten oder Fallbeispiele, was sich für Frauen ändern wird. Ferner fehlt die europäische Vergleichsperspektive.

b) Sonstige Aktivitäten während „Referendumszeiten“

Neben dem Erstellen des Reports werden PR-Aktivitäten entfaltet: Die Palette reicht von Pressearbeit, das Schalten von Anzeigen und TV-Spots bis hin zum Schalten einer Telefon-Hotline.

c) Internet-Auftritt www.refcom.ie

Die Homepage der Kommission ist sehr gut und übersichtlich. Sie enthält zahlreiche Dokumente zum Download.

Die Zugriffszahlen sind während „Nicht-Referendums-Zeiten“ sehr gering, genaue Zahlen sind nicht bekannt. Im Vorfeld einer Volksabstimmung steigen die Zugriffszahlen immer rasant an: In der Referendumsphase zum Vertrag von Nizza 2001 verzeichnete die Kommission 26.283 Besucher in sechs Wochen (ca. 17.500 pro Monat = ca. 673 pro Tag).

3. Ressourcen und Finanzierung der Kommission

Da die Kommission keine ständige Einrichtung ist, sondern jeweils im Falle einer bevorstehenden Volksabstimmung gegründet wird, sind genaue Angaben zur Finanzausstattung nicht vorliegend. Vor der jeweiligen Errichtung werden die Gelder bereitgestellt.

Die unterstützenden Mitarbeiter der Kommission (support staff) werden aus den Mitarbeitern des Büros des Ombudsmanns/Bürgerbeauftragten rekrutiert und können auf unterstützende Ressourcen wie z. B. eine Telefon-Hotline zurückgreifen. Ferner hat die Kommission Anspruch auf eine bestimmte Sendezeit im irischen TV (free airtime).

Bei der jüngsten Abstimmung bzgl. Abtreibung 2001/2002 waren dies drei Vollzeit-mitarbeiter aus dem Ombudsmanbüro, die auf eine Telefon-Hotline, PR-Agenturen für Anzeigen und Poster, Druckereien sowie auf TV-Sendezeit u.a. zurückgreifen konnten.

Das Finanzbudget der Referendum Commission betrug hierbei ca. 3 Millionen Euro.

4. Fazit

Die Referendum Commission in Irland stellt eine vorbildhafte Institution dar, die ihresgleichen in Europa und weltweit sucht.

Der wesentliche *Effekt* eines erleichterten Zugangs zu Informationen basiert auf der rechtlichen Verankerung, der finanziellen Ausstattung der Kommission, der zunehmenden Bekanntheit als Institution und Informationsstelle, auf der Versendung von kostenlosem Informationsmaterial und der übersichtlichen Homepage mit Links und downloadbaren Dokumenten. Ein Kern der Arbeit stellt der Commission Report dar, der stark zur Hebung des Informationsniveaus beiträgt.

Das mögliche Problem der *Glaubwürdigkeit* der Institution scheint nach Angaben eines Kommissionsmitarbeiters derzeit nicht vorhanden zu sein:

„I believe that at this stage the Referendum Commission is now recognised by Irish citizens as an independent reliable authority as a provider of fair and balanced information on referendum proposals“ (aus der eMail-Antwort der Commission an den Verfasser)

Die Ansiedlung der Kommission im Bereich des Bürgerbeauftragten der Regierung und nicht in einem der Ministerien ist vor diesem Hintergrund als geglückt zu betrachten.

Ferner wird der Wert der Kommission von dem Mitarbeiter als sehr hoch eingeschätzt:

„However, I believe that a body such as the Commission has an invaluable role to play in relation to referendums which are complex in nature e.g. European treaties etc. (aus der eMail-Antwort der Kommission an den Verfasser)

Die Institution und das Gesetz haben Modellcharakter und sind einzigartig in Europa. Die Übertragung auf Deutschland bei Einführung des bundesweiten Volksentscheids ist denkbar und mittels eines einfachen Gesetzes (oder einer Regelung im Ausführungsgesetz) regelbar.

Adresse:

The Referendum Commission
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Dublin 2, Ireland

www.refcom.ie
E-Mail: refcom@ombudsman.irlgov.ie

Anhang 1: FAQ-Liste (Quelle: www.refcom.ie)

Q. Who is entitled to vote at a Constitutional referendum?

Every citizen of Ireland who is at least 18 years of age and whose name is entered in the register of electors for a constituency is entitled to vote at a referendum in that constituency. The register of electors is prepared each year by county councils and county borough corporations.

Q. Where can I find further information in relation to the conduct of referendums in Ireland?

The Department of the Environment and Local Government published a booklet entitled „Referendums in Ireland 1937 – 1999“ in September 2000. The booklet which sets out, in convenient form, the procedures for the conduct of referendums in Ireland together with details of the subject matter and result of each referendum held during the period 1937 to 1999. The plebiscite on the draft Constitution in 1937 is also included.

The Department's booklet is available from the Government Publications Office, Molesworth Street, Dublin 2 or can be downloaded from the Department of the Environment and Local Government web site at <http://www.environ.ie>

Q. Can the Referendum Commission give me information on whether I am on the register of electors or not and details of polling arrangements?

The Referendum Commission's role of providing information on the subject matter of the referendums does not extend to questions relating to the administration of the referendums or the provision of information on eligibility to vote. Any queries regarding the register of electors should be addressed to your local authority. Queries regarding voting arrangements on polling day should be addressed to the Local Returning Officer for your constituency.

Q. Is it possible to get Irish versions of the Information Leaflets published by the Referendum Commission?

Yes, Irish versions can be obtained by contacting the Referendum Commission Secretariat Offices on +353-(0)1-6785222. Alternatively copies can be e-mailed to interested parties on request to refcom@ombudsman.irlgov.ie

Q. Why is there no 22nd Amendment to the Constitution listed on the website?

The 22nd Amendment to the Constitution Bill referred to Judicial Oversight. The Government decided not to proceed with a referendum on this issue on this occasion.

There is no Twelfth Amendment. On 25 November 1992, three proposals were put to the people, the Twelfth, Thirteenth and Fourteenth Amendments. The people rejected the Twelfth (which dealt with the right to life of the unborn) and approved the Thirteenth and Fourteenth.

Anhang 2: Beispiel eines Reports

Information Booklet

Twenty-fifth Amendment of the Constitution (Protection of Human Life in Pregnancy) Bill, 2001

An Explanatory Booklet

Published by the Referendum Commission

(INSIDE COVER TEXT)

| | | |
|---------------|----------------------------|-----------------------------------------------------------|
| published by: | The Referendum Commission, | 18 Lower Leeson Street, Dublin 2. |
| | Tel: (01) 6395695 | Fax: (01) 6395684 |
| Email: | refcom@ombudsman.gov.ie | Website: www.refcom.ie |

This publication is available in Irish upon request.

This publication is also being made available, through the National Council for the Blind, in Braille and on audio tape for persons with a sight disability.

Twenty-fifth Amendment of the Constitution (Protection of Human Life in Pregnancy) Bill, 2001.

Introduction

On Wednesday 6th March, 2002 a referendum will be held on the Twenty-fifth Amendment of the Constitution (Protection of Human Life in Pregnancy) Bill, 2001. This booklet, which is published by the Referendum Commission, is designed to give you an understanding of what the referendum is about in as objective and straightforward a manner as is possible. The Commission is also running an information campaign in the press and on radio and television.

Use Your Vote

It is really important that you use your vote on the day so that your views on the subject help to decide the issue. If you do not vote, other people will make the decision.

The issues involved in this referendum are complex. Law is not a science. It is expressed in words which may be interpreted differently by different people and at different times. It is often not possible to be absolutely certain exactly what the effect of a new constitutional wording or a new law will be. However, in most cases it is possible to say what the likely effect will be.

If you are undecided about how to vote the arguments presented on television and radio programmes and in press articles may help you to make up your mind. You may consider that neither the present situation nor the proposed changes are perfect. If that is the case, you should decide which is the better situation and vote accordingly even if it is not perfect from your point of view.

What Will I be Asked When I go to Vote?

When you go to vote on Wednesday 6th March, 2002 you will be asked to vote YES or NO to the following question:

„Do you approve of the proposal to amend the Constitution in the undermentioned Bill?

Twenty-fifth Amendment of the Constitution (Protection of Human Life in Pregnancy) Bill, 2001.“

This Bill contains the proposed changes in the Constitution and the proposed text of the Protection of Human Life in Pregnancy Act which, if passed, will be the law on abortion. The words of the Act itself will not be added to the Constitution but they will have the same status as words in the Constitution. This means that the Act may only be changed if the people agree to the change in another referendum.

What does the Constitution say about Abortion at Present?

The present subsection 40.3.3° of the Constitution states:

„The State acknowledges the right to life of the unborn and, with due regard to the equal right to life of the mother, guarantees in its laws to respect, and, as far as practicable, by its laws to defend and vindicate that right.

This subsection shall not limit freedom to travel between the State and another State.

This subsection shall not limit freedom to obtain or make available, in the State, subject to such conditions as may be laid down by law, information relating to services available in another state.“

The first paragraph was put into the Constitution following a referendum in 1983. The other two paragraphs were put into the Constitution following referendums in 1992 which were held following the X case.

(All of this subsection 40.3.3° will remain in the Constitution whether or not the proposed changes are agreed in the referendum.)

The X case

The X case was the first case which required the courts to interpret the meaning of subsection 40.3.3° At the time, only the first paragraph of the subsection was in the Constitution.

This case established that:

a termination of pregnancy is lawful if it can be shown that there is a real and substantial risk to the life, as distinct from the health, of the mother which can only be avoided by terminating the pregnancy;

a threat of suicide can amount to a substantial risk to the life of the mother.

What is the Intention Behind the Referendum?

The intention of the referendum is to;

- remove the threat of suicide as a ground for a legal termination of pregnancy;
- provide for a law on abortion that can only be changed by another referendum;
- give constitutional and legal safeguards to existing medical practices where interventions are made to protect the life of the mother.

What Changes are Proposed for the Constitution?

It is proposed that two new subsections would be added immediately after the existing subsection 40.3.3° These proposed new subsections are as follows:

Proposed subsection 40.3.4°

„In particular, the life of the unborn in the womb shall be protected in accordance with the provisions of the Protection of Human Life in Pregnancy, Act, 2002.“

Proposed subsection 40.3.5°

The text of the proposed new Article 40.3.5° is given in Appendix 1.

The effect of this proposed new article is that the Human Life in Pregnancy Act, 2002 may only be changed if the people agree to the change in another referendum.

The Protection of Human Life in Pregnancy Act, if passed within 180 days of the referendum, will effectively be part of the Constitution. The actual words of the Act will not be added to the Constitution but they will have similar status as the words of the Constitution - they cannot be amended except by referendum.

So, if a Majority Vote in Favour, will these Subsections be Added to the Constitution?

Yes, provided the Human Life in Pregnancy Act (as outlined in Appendix 2) is passed by the Oireachtas within 180 days of the referendum. If it is not passed, then no change in the Constitution will occur. If an Act with that title is passed but it is not exactly the same as the Act which is included as Appendix 2 of this booklet, then no change will be made to the Constitution.

What is in the Protection of Human Life in Pregnancy Act?

The Protection of Human Life in Pregnancy Act defines the crime of abortion. If there is a majority Yes vote in the referendum and this Act is subsequently passed, then this new definition will replace the existing law on abortion.

The existing criminal law on abortion

The present law is contained in sections 58 and 59 of the Offences Against the Person Act, 1861. The wording reflects the time in which it was drafted. The word abortion is not used - the term used is to „procure a miscarriage“. Put simply, the effect of these sections is that it is a criminal offence for a woman to procure a miscarriage, or for any person to perform an abortion or aid or abet the woman in procuring the abortion.

No one has been charged with a criminal offence under these sections since the 1950s.

Proposed new definition of abortion

The proposed new legal definition is that abortion means the „intentional destruction by any means of unborn human life after implantation in the womb of a woman“. However, it does not include;

„the carrying out of a medical procedure by a medical practitioner at an approved place in the course of which or as a result of which unborn human life is ended where that procedure is, in the reasonable opinion of the practitioner, necessary to prevent a real and substantial risk of loss of the woman's life other than by self-destruction“.

One clear consequence of this is that the threat of suicide will not be a valid reason to seek an abortion.

Medical Procedures

The crime of abortion does not include necessary medical procedures as set out in the Act. Medical procedures which meet the conditions set out will be lawful even if they result in the termination of the pregnancy.

These medical procedures must be carried out by a medical practitioner at an approved place. The government will make orders setting out what are approved places and it is expected that these will be the main maternity hospitals and other hospitals. These orders must be approved by both Houses of the Oireachtas (the Dáil and the Seanad).

The medical practitioner must form a reasonable opinion that the medical procedure in question is necessary to save the life of the mother. This means that the doctor must form the opinion in good faith and must take into account the need to preserve the life of the unborn where that is practicable.

The practitioner must also make and sign a written record of the basis for the opinion. Orders may be made setting out detailed rules about the making, keeping and confirmation of these records - these orders must be passed by both Houses of the Oireachtas (the Dáil and Seanad).

There will be no obligation on anyone to carry out or assist in carrying out a procedure which may result in the death of the child even if it is considered necessary to save the life of the mother. This is designed to provide for conscientious objectors who may not want to ever be involved in the termination of a pregnancy.

The crime of abortion

The Act will make abortion, as defined, an offence in Ireland. This means that if a person has an abortion in Ireland, attempts to have an abortion, carries out an abortion or aids, abets or procures anyone to carry out an abortion, he/she may be prosecuted and convicted of a crime in Ireland. The penalty will be a maximum of 12 years imprisonment or a fine or both.

Can this law ever be changed?

Yes, but only if the change is agreed in another referendum. Most Acts of the Oireachtas may be changed by the Oireachtas but this Act will be exceptional. It may only be changed if the people agree in another referendum.

What will be the effect of a Yes vote?

If people vote Yes in the referendum and if, subsequently, the Human Life in Pregnancy Act is passed, then: the present right of a pregnant woman to avail of abortion if she is suicidal will end;

there will be a new legal definition of abortion;

medical procedures necessary to save the life of the mother will not be considered to be abortion in its criminal sense.

So, will it be possible for women to have pregnancies legally terminated in Ireland?

It will not be possible to have pregnancies legally terminated in Ireland unless the specific conditions outlined are met i.e. medical procedures which are necessary to save the life of the mother will be legally possible even if they involve the death of the child.

The law does not specify precisely what those medical procedures are. Effectively, this will be a decision for doctors to make.

It will not be legally possible to have a pregnancy terminated if there is a threat of suicide or if the pregnancy results from rape or incest.

Will medical ethics affect these decisions?

Yes. The Medical Council has responsibility for drawing up ethical guidelines for doctors. The Medical Council recently agreed the following guidelines on the issues relevant to the referendum.

„The Council recognises that termination of pregnancy can occur when there is real and substantial risk to the life of the mother and subscribes to the views expressed in Part 2 of the written submission of the Institute of Obstetricians and Gynaecologists to the All-Party Oireachtas Committee on the Constitution.“

The relevant extract from that submission is:

„In current obstetrical practice rare complications can arise where therapeutic intervention is required at a stage in pregnancy when there will be little or no prospect for the survival of the baby, due to extreme immaturity. In these exceptional situations failure to intervene may result in the death of both mother and baby. We consider that there is a fundamental difference between abortion carried out with the intention of taking the life of the baby, for example for social reasons, and the unavoidable death of the baby resulting from essential treatment to treat the life of the mother.“

Will the proposed new law affect items such as the morning after pill?

Whether the current criminal law outlaws the morning after pill (and similar devices) is open to question. It is clear that using the morning after pill is not abortion in the criminal sense under the Human Life in Pregnancy Act.

The present constitutional position of these devices is also open to doubt. However, the acceptance or rejection of the proposal will not change their constitutional status.

What about abortions carried out abroad?

The crime of abortion as defined in the Act will apply in the State of Ireland. Abortions which take place in other countries (including Northern Ireland) are governed by the laws of those countries. A person may not be prosecuted in Ireland for having or carrying out an abortion in another country.

The Act does not limit a person's freedom to travel to another country to have an abortion. It does not change the current rules about the availability of information on abortion.

What will be the effect of a No vote?

A No vote means that the present Constitutional wording and the present law will remain in place. The Oireachtas could subsequently pass a law dealing with abortion but it would have to accord with the present interpretation of the Constitution. This would mean a threat of suicide would be a ground for a legal abortion but the Oireachtas could regulate the circumstances.

Where can I get more information?

There is extensive information on the issues involved in the following publications;

Green Paper on Abortion 1999

The All-Party Oireachtas Committee on the Constitution - Fifth Progress Report - Abortion.

These publications can be bought in bookshops or from the Government Publications Sales Office or can be downloaded from the Referendum Commission's website: www.refcom.ie

Appendix 1 Proposed new article 40.3.5°

„The provisions of section 2 of Article 46 and sections 1, 3 and 4 of Article 47 of this Constitution shall apply to any Bill passed or deemed to have been passed by both Houses of the Oireachtas containing a proposal to amend the Protection of Human Life in Pregnancy Act, 2002, as they apply to a Bill containing a proposal or proposals for the amendment of this Constitution and any such Bill shall be signed by the President forthwith upon his being satisfied that the Bill has been duly approved by the people in accordance with the provisions of section 1 of Article 47 of this Constitution and shall be duly promulgated by the President as a law.“

Appendix 2 - Text of the Human Life in Pregnancy Act, 2002

AN ACT TO PROTECT HUMAN LIFE IN PREGNANCY, TO REPEAL SECTIONS 58 AND 59 OF THE OFFENCES AGAINST THE PERSON ACT, 1861, AND TO PROVIDE FOR RELATED MATTERS.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

Abortion.

1.-(1) In this Act, „abortion“ means the intentional destruction by any means of unborn human life after implantation in the womb of a woman.

(2) Notwithstanding subsection (1) of this section, abortion does not include the carrying out of a medical procedure by a medical practitioner at an approved place in the course of which or as a result of which unborn human life is ended where that procedure is, in the reasonable opinion of the practitioner, necessary to prevent a real and substantial risk of loss of the woman's life other than by self- destruction.

(3) In this section-

„approved place“ means a place in the State approved for the time being by order as being suitable for the purposes of this section;

„medical practitioner“ means a person permitted by law for the time being to practise as a registered medical practitioner in the State;

„reasonable opinion“ means a reasonable opinion formed in good faith which has regard to the need to preserve unborn human life where practicable and of which a written record has been made and signed by the practitioner;

„woman“ means a female person.

Prohibition of abortion.

2.--(1) No person shall carry out or effect an abortion in the State.

(2) For the purposes of this section, a person shall be presumed to have intended the natural and probable consequences of his or her conduct; but this presumption may be rebutted.

(3) A person who contravenes subsection (1) of this section, or attempts to do so, or aids, abets or procures any other person to do so, shall be guilty of an offence and shall be liable on conviction on indictment to imprisonment for a term not exceeding 12 years or a fine or both.

(4) A prosecution for an offence under this section may be brought only by or with the consent of the Director of Public Prosecutions.

Conscientious objections.

3.-Nothing in this Act shall be construed as obliging any person to carry out, or to assist in the carrying out of, any medical procedure referred to in section 1 of this Act.

Travel and information.

4.-(1) This Act does not limit freedom to travel between the State and another state or freedom to obtain or make available in the State, in accordance with conditions for the time being laid down by law, information relating to services lawfully available in another state.

(2) This Act does not operate to restrict any person from travelling to another state on the ground that his or her intended conduct there would, if it occurred in the State, constitute an offence under section 2 of this Act.

Orders.

5.-(1) In this Act (other than in section 7), „an order“ means an order made by a member of the Government authorised in that behalf by the Government.

(2) An order may make such provision relating to the making, keeping and confirmation of records (including records of opinions) of medical procedures referred to in section 1 of this Act as may be considered by the member of the Government concerned necessary or appropriate for the purposes of this Act.

(3) The Government shall ensure that such orders are made from time to time as are necessary to enable this Act to have full force and effect.

(4) An order may be amended or revoked by order.

(5) Where an order is proposed to be made, a draft of the order shall be laid before each House of the Oireachtas and the order shall not be made unless a resolution approving of the draft has been passed by each such House.

Repeals.

6. -Sections 58 and 59 of the Offences against the Person Act, 1861, are hereby repealed.

Short title and commencement.

7.-(1) This Act may be cited as the Protection of Human Life in Pregnancy Act, 2002.

(2) This Act shall come into operation on such day not earlier than 2 months after the date of its passing as the Taoiseach may appoint by order.