



ARA POSITION PAPER ON THE EIGHTH AMENDMENT OF THE CONSTITUTION

Adoption Rights Alliance (ARA) is a not-for-profit advocacy organisation which campaigns for the enshrinement of the rights of the adopted child and Ireland's estimated 100,000+ adopted adults in legislation.

Founding members of ARA and the many hundreds of individuals in contact with our organisation annually have been affected by the closed, secret, forced adoption system which was administered by the State and which persists even today. The State's policy regarding the treatment of children born outside of marriage involved the incarceration of thousands of women and girls who became pregnant outside marriage and their babies (and the incarceration of women and girls, perceived to be 'at risk' of becoming pregnant outside marriage, in Magdalene Laundries), and the subsequent adoption of the children or other means of removal from their mothers' care.

It is against this background that ARA strongly advocates for the repeal of the Eighth Amendment of the Constitution. For our organisation, the Eighth Amendment represents the latest incarnation of the control that was exerted over the thousands of women and girls who were forced to relinquish their children for adoption and who were incarcerated in Mother and Baby Homes, Magdalene Laundries and other institutions. Since 1983, all pregnant women in Ireland have been denied the right to choose whether to proceed with a pregnancy, just as adopted people's natural mothers were denied any choice.

ARA is opposed in the strongest possible terms to the notion that adoption represents a viable alternative to abortion. We firmly recognise the right of a woman to choose not to proceed with a pregnancy. Adoption should only ever be utilised in situations where a child genuinely needs a home, and not as a mechanism whereby women and girls are forced to carry to term and then relinquish the child to a closed, secret system.

Moreover, research on the attitudes of women in crisis pregnancy on adoption suggests that it is not an option for most Irish women in this position. In fact, research findings indicate that once abortion is ruled out, the vast majority of women opt to raise their children over adoption. Loughran and Richardson (2005: 15-16, 57, 61)¹ found that while some women continue to choose adoption, for most, once abortion is ruled out, adoption is a far less popular choice than parenting. Of 12,693 women who experienced crisis pregnancy, just 162 had seriously considered adoption and the majority of that cohort eventually kept their babies. Layte et al. (2006: 259)² found that 21% of 4,253 women they surveyed who had been pregnant experienced a crisis pregnancy. Of the women who experienced crisis pregnancies, 75% went on to parent their children, 15% had abortions and just 1.2% of the pregnancies ended in adoption. Similarly, Rundle et al. (2004: 18-19)³ and McBride et al.⁴ (2012: 80-81) both found that less than 1% of all pregnancies reported by women and men resulted in the child being relinquished for adoption. It is clear therefore, that adoption is not a choice most women in crisis pregnancy are willing to make.

We refute and are offended by claims from anti-choice campaigners professing to 'love both' mother and child. In our experience over the past two decades, we have yet to meet an adopted person who has been offered support from any individual or group purporting to be 'pro-life'. Moreover, testimony from natural mothers, particularly during the 1980s, suggests that so-called 'pro-life' campaigners were amongst those who persecuted them most. No group professing to 'love both' has ever offered assistance to our organisation or its predecessors in our campaign for information rights for adopted people. In fact, the only attempts which have been made to contact our organisation have been to elicit our support for campaigns against marriage equality and LGBT parenthood, and in 2011, when ARA was inundated with emails from people who were mobilised by anti-choice groups simply because we had endorsed the Irish Council for Civil Liberties' 'Rights Now' campaign. During the passage of the Children and Family Relationships Bill through the Oireachtas, the unfair

¹ Loughran, H. and Richardson, V. (2005) *Mixed Method Adoption Research*. Dublin: Crisis Pregnancy Agency.

² Layte, R., McGee, H., Quail, A., Rundle, K., Cousins, G., Donnelly, C., Mulcahy, F. and Conroy, R. (2006) *The Irish Study of Sexual Health and Relationships*. Dublin: Crisis Pregnancy Agency and the Department of Health and Children. Available from: <http://crisispregnancy.ie/wp-content/uploads/2012/05/irish-study-of-sexual-health-and-relationships-main-report.pdf>

³ Rundle, K., Leigh, C., McGee, H. and Layte, R. (2004) *Irish Contraception and Crisis Pregnancy Study: A Survey of the General Population*. Dublin: Crisis Pregnancy Agency. Available from: <https://www.ucd.ie/t4cms/ICCP%20Report.pdf>

⁴ McBride, O., Morgan, K. and McGee, H. (2012) *Irish Contraception and Crisis Pregnancy Study 2010: A Survey of the General Population*. Dublin: Crisis Pregnancy Agency. Available from: http://crisispregnancy.ie/wp-content/uploads/2012/06/ICCP-2010_REPORT.pdf

focus on LGBT parents resulted in the real issues surrounding children's rights being lost, because the debate was dominated by those who operate from a different agenda and who have no track record in campaigning for identity rights for adopted people. Moreover, the irony is not lost on us that many of those who campaigned against adoption rights for LGBT people on the grounds that the child's identity was in danger of being obliterated are now advocating in the strongest possible terms for adoption as an alternative to abortion, with no mention of the identity rights of the child.

ARA has consistently campaigned against the continuation of adoptions under Ireland's closed, secret system. The adopted people in contact with us are strong, resilient individuals, and many were raised by loving adoptive parents. However, this does not justify the impact of being adopted under a closed, secret system, because the consequences are life-long, inter-generational and permanent. Even today in so-called modern Ireland, adopted people are denied even the most basic rights, which are taken for granted by the rest of the population. We are denied access to our birth certificates and adoption files and are made to feel like criminals for daring to challenge the system. Those of us who have lived under Ireland's regime know that no matter how loving an adoptive family might be, closed, secret adoption is not a child-centred mechanism, and it is certainly not an alternative to reproductive choice for women.

We strongly advocate the repeal of the Eighth Amendment to the Constitution.