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14th December 2021

Deputy Collins
Dáil Éireann,
Leinster House
Dublin 2

PQ Ref 58995/21 To ask the Minister for Health if it was acknowledged the child was deserving of the fundamental rights bestowed by the Constitution and entitled to human rights protections under relevant international law in cases in which babies were born alive having survived abortions; and if he will make a statement on the matter.

Dear Deputy Collins,

The Health Service Executive has been requested to reply directly to you in the context of the above Parliamentary Question, which you submitted to the Minister for Health for response. I have examined the matter and the following outlines the position.

The Health (Regulation of Termination of Pregnancy) Act 2018 sets out the parameters in which termination of pregnancy may be lawfully carried out in this country. As per Sections 9, 10 and 11 of the Act, a termination of pregnancy may be carried out where there is a risk to the life or of serious harm to the health of the pregnant woman, or where there exists a condition likely to lead to the death of the foetus. Medical practitioners are bound through professional regulatory mechanisms to operate in accordance with best medical practice.

All infants delivered with a diagnosis of a life-limiting condition are provided with comfort care. The current legislation on registration of live births states that if an infant is born with signs of life, regardless of birthweight or gestational age, the birth is registered as a live birth. If the subsequent death of the infant occurs during the perinatal period, the death should be registered as a neonatal death.

I trust this clarifies the matter.

Yours sincerely,

Mary-Jo Biggs, General Manager, National Women and Infants Health Programme