

What is Wrong with the Children and Family Relationships Bill 2015?

The Bill is a brazen attempt at social engineering on a massive scale, at facilitating adult self-centredness at the expense of the happiness and safety of children, at aggravating family dysfunctionality, at lowering human procreation to the level of “reproductive technology”, and at treating the human embryo/foetus as a disposable “thing”.

It ignores the fact that the Family, according to Article 41.1.1° of the *Constitution of Ireland*, has ‘inalienable and imprescriptible rights, antecedent and superior to all positive law’; and ignores the definition of ‘family’ given by Mrs Justice Susan Denham in *McD. –v- L & anor* (2009), point 62, where she says ‘Therefore arising from the Terms of the Constitution, “family” means a family based on marriage of a man and a woman.’

The Bill rejects the advice of 4 Justices of the Supreme Court, of November 7, 2014, that the genetic mother involved in the appeal, heard that day, should be recognized as legal mother. 6 of the 7 Justices in that case felt constrained however by the traditional legal understanding that the lady who gives birth is **the** legal mother [in Latin *mater semper certa est*]. Mr Justice Frank Clarke ruled in favour of the genetic mother.

We, the Alliance for the Defence of the Family and Marriage, wish to make clear that we are opposed to Donor-Assisted Reproduction [and to all present or future facilitation of Assisted Human Reproduction and Surrogacy]. They are not only destructive of early embryonic human life, but are extremely exploitative of women, especially poor Third World women. Such poor women are treated, in effect, as reproductive slaves. In cases of multiple-embryo transfer, these poor women are pressurized into having one of the embryos deliberately aborted. This exposes the surrogate mothers to a big risk of breast cancer [‘A meta-analysis of the association between induced abortion and breast cancer risk among Chinese females’, *Cancer Causes Control*, November 24, 2013].

The Bill purports to rule out commercial Donor-Assisted Human Reproduction, but allows for “expenses”. In Third World countries these “expenses” would represent small fortunes. **[PART 2: section 19. Payment of reasonable expenses]**

Though the Bill purports to recognize the birth mother as the legal mother, it nevertheless pressurizes the egg-, embryo-, or sperm-donor, to agree not to be recognized as legal mother, or father respectively. There is no basis in reason or in the *Constitution of Ireland* for pressurizing the natural mother or father to give up their natural rights as parents. **[PART 2 PARENTAGE IN CASES OF DONOR-ASSISTED HUMAN REPRODUCTION Interpretation (Parts 2 &3) §4]**

The Bill is an attempt, by statute law, and without referendum, to transfer to non-biological “intending parents” the natural rights of biological parents, in Donor-Assisted Human Reproduction. **[PART 2 PARENTAGE IN CASES OF DONOR-ASSISTED HUMAN REPRODUCTION, §5 Parentage of child born as a result of DAHR procedure].**

It facilitates Donor Conception, *In Vitro Fertilization* and Assisted Human Reproduction, technologies that lead to approximately 96% loss of the human embryos involved — compared with a loss in the range 0.67%–2.22% in nature [Thomas W. Hilgers, *The Medical and Surgical Practice of NaProTechnology* (2004) p. 801].

The Bill attempts to make a “thing” of the human embryo, though the State itself recognizes the validity of the DNA test, a test based on the scientific fact that the individual human being begins life at fertilization [see the Criminal Justice (Forensic Evidence and DNA Database System) Act 2014]. That Act recognizes as a human person the human foetus, even if he/she is stillborn. **[Criminal Justice Act 2014, PART 1, Interpretation 2. (1)]**

The Bill, by allowing guardianship and custody of children, and their adoption, by non-marital couples, cohabiting couples, and same-sex pairs, disregards its own stated principle of ‘**Best interests of the Child**’ by ignoring the evidence that children living in the care of such couples/pairs, are 8 times more likely to be harmed than children living with married biological parents [*Abuse, Neglect, Adoption and Foster Care Research, National Incidence Study of Child Abuse and Neglect* (NIS-4), 2004-2009, March 2010, (Office of Planning, Research and Evaluation)]; and are 50 times more likely to die of injuries, than children residing with two biological parents [P. G. Schnitzer, ‘Child death resulting from inflicted injuries: household risk factors and perpetrator characteristics’, *Pediatrics* 116 (2005) 687-93.] **[PART 4, § 44, §45 ‘Best Interests of child to be paramount’, §63; passim].**

The Government are intent on rushing this through the Seanad this coming week. Please contact the Senators if you have a Seanad vote and tell them you won’t vote for them in the next Seanad Election if they vote for this.

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