

# COUNCIL FOR PUBLIC AFFAIRS

Convener: Rev DANIEL KANE

Secretary: THE CLERK

## Introduction

The Council for Public Affairs is tasked with helping to develop the Presbyterian Church in Ireland's thinking on current issues and communicating the General Assembly's views in the public square, alongside developing relationships with legislators and decision makers on the island of Ireland, making representations to them on behalf of the Church and responding to consultations from them.

Despite the challenges presented by the global pandemic this work has continued apace and this report summarises the work of the Council from June 2020. The Council is deeply indebted to our Public Affairs Officer, Miss Karen Jardine, for her unstinting commitment to this role and her huge capacity for hard work. The gracious, Christ-like manner with which she engages across a wide spectrum of elected political representatives, government officials, representatives of various bodies and the leaders of other Churches and Christian groups is witness in itself to the grace of Christ. Thanks are also due to all who have served on Council, especially those who have carried out the additional workloads of convening the Committee and panels in this unusual and challenging year.

A key element of this work has been developing the Council's thinking following the *Building on Solid Ground* overnight in September 2019. "Graciously Confident Gospel Engagement in the Public Square – A Framework of Principles, Postures and Practices" is offered for consideration at Appendix A.

Following the Standing Commission of the General Assembly in 2020, the Council has amended its structures introducing two new Panels to complement and supplement the work of the State Education Committee, Peace and Reconciliation Panel and the Republic of Ireland Panel. The remit of the new Human Dignity Panel, convened by Rev JB Mullan, includes beginning and end of life, human rights, artificial intelligence, and matters relating to criminal justice. The new Welfare and Wellbeing Panel, convened by Rev D Stanfield, has a remit which includes welfare support, housing and homelessness, debt, ageing and loneliness.

Engagement with governments in both jurisdictions in relation to the pandemic has been primarily dealt with by the General Council and its Standing Committee. Nonetheless, the pandemic has also affected the work of the Council and aspects of PCI's engagement with government on wider issues. The Public Affairs Officer has been involved in a number of Irish Council of Churches/Irish Inter-Church Meeting

working groups on issues relating to ethics, academic research on clergy responses and services to vulnerable children and young people.

### **Consultation responses**

The Northern Ireland Executive was restored in January 2020 and with Ministers now in place many government departments and other bodies released consultations on policy and legislative proposals over the past 12 months. At its meeting in June 2021, the Council passed a resolution authorising the Council Secretary and/or Public Affairs Officer to arrange for the publication of consultation responses at an appropriate time, recognising there may be occasions when strategically it may be prudent and pragmatic for a response to remain private.

Over this period the Council has made submissions to a range of public consultations across both jurisdictions. A summary list is included at Appendix B and all published consultation responses can be found on the website at [www.presbyterianireland.org/Resources/Categories/Public-Affairs.aspx](http://www.presbyterianireland.org/Resources/Categories/Public-Affairs.aspx). However, two are included in this report for information and to represent the type of work undertaken by the Council – a submission to the Oireachtas Committee on Justice to inform its consideration on the Dignity with Dying Bill (Appendix C), and a response to the Northern Ireland Executive Programme for Government Draft Outcomes Framework (Appendix D).

### **Legacy/Dealing with the Past**

Following the successful launch of *Considering Grace: Presbyterians and the Troubles* in 2019, plans had been in place to hold a conference exploring its themes in March 2020. This was understandably postponed and we were able to offer ‘Considering Grace: Unpacking the Impact’ as a digital conference in December 2020. This included keynote addresses from Canon David Porter, Chief of Staff to the Archbishop of Canterbury, Justin Welby, and Very Rev Dr Stafford Carson, formerly Principal of Union Theological College. The resource for small group study prepared by David Thompson was launched, along with opportunity for Q&A at a panel discussion with *Considering Grace* authors, Dr Gladys Ganiel and Dr Jamie Yohanis; and the General Secretary of the Irish Council of Churches, Dr Nicola Brady; and the keynote speakers. We are grateful to an external funding which has made much of this work possible. Work is ongoing in identifying ways in which *Considering Grace* can be utilised in the discussions around legacy and dealing with the past internally, and with civic society, government officials, and elected representatives within the UK, Ireland and Northern Ireland legislatures.

With the centenary of the creation of Northern Ireland and the partition of the island of Ireland being marked in 2021, the Peace and Reconciliation Panel has been planning an event to mark the contribution of PCI at this time, and specifically the use of Union Theological College (then Assembly’s College) to host the Northern

Ireland Parliament in its early years. Originally planned for May 2021, covid restrictions have resulted in this event being postponed until the autumn. “On These Steps” will include the following components:

- “On These Steps” – Historical Perspective – Professor Ian McBride
- “Stepping Back” – Musical and dramatic interlude reflecting 100 years ago
- “Stepping Forward” – Christian principles for imagining a better future across the island of Ireland for the next 100 years – Moderator Rt Rev Dr David Bruce
- “Stepping on” – Political perspective – response from political leaders on the island

“On These Steps” will be followed by a webinar series from October 2021–March 2022 seeking to unpack its themes for the wider Irish Presbyterian community, and encouraging thought on what it means to be Christian citizens on the island of Ireland for the next 100 years. The proposed series will include urban, working class loyalist communities; voices from the Republic of Ireland; perspectives from young people; and reflections from senior leaders in light of changing relationships north/south and east/west, as we face into the next 100 years.

Funding from the Department for Foreign Affairs has been secured to support “On These Steps” and the subsequent webinars.

The Peace and Reconciliation Panel has been closely following the discussions at UK Government, Irish Government and NI Assembly levels on legacy and dealing with the past. It is anticipated that the UK Government will bring forward legislation in the coming months, which may require a response from PCI. This may also require engagement with other groups including those connected to victims and survivors, academics, elected representatives, government officials and other interested parties.

## Education

PCI continues to work closely with the other Transferor Churches – Methodist Church in Ireland and Church of Ireland – on education matters through the Transferor Representatives’ Council (TRC). This includes ongoing engagement with the Education Authority on governor related issues, in partnership with local nominating congregations. PCI continues to be grateful to the hundreds of transferor governors who give of their time and energy to support schools in the controlled sector. The expected reconstitution of Boards of Governors is due in early 2022, but may be postponed until 2023 taking account of the impact of the covid pandemic on schools.

A significant amount of time has been spent engaging with the curriculum body CCEA on its new Relationships and Sexuality Education (RSE) hub which includes curriculum guidance and resources. Working together with other Churches and Christian organisations has been vital in seeking to uphold the statutory role of ethos in the delivery

of RSE in schools, at primary and post-primary levels. Pressure to introduce a mandatory, rights-based RSE curriculum for all schools will continue in the coming period, not least through the actions of the Secretary of State for Northern Ireland.

The TRC made a written submission and verbal presentation to the Expert Panel on Educational Underachievement linked to social disadvantage, taking the opportunity to highlight the support that many congregations provide to their local school communities.

There has also been engagement with the NI Assembly Committee for Education on the Catholic Religious Education Certificate, integrated education and the exemption for teachers from the Fair Employment Treatment Order.

The Independent Review of Education brought forward by the Department of Education in line with New Decade New Approach commitments is due to commence in the summer of 2021. The Review Team has 18 months in which to complete its work and is looking at the full range of education from nursery through to further education, governance and sectoral distribution.

The Committee proposes a conference in early 2022 to consider a vision for education and consider some of the big questions under scrutiny through the independent review. Such a conference would also consider the relationship between local churches and schools, and seek to encourage partnership and participation. It would be important to also have the Republic of Ireland dimension represented.

### **Republic of Ireland**

The Panel acts as something of a ‘catch-all’ for the full gamut of public affairs issues in Ireland. Responding to the Dying with Dignity Bill has been a big focus and it will continue to maintain a watching brief on this issue as it works its way through the Committee on Justice, and respond accordingly. Other expected legislative developments include proposals on hate crime and a review of equality laws.

The Panel has also been considering approaches to education and intends to continue that conversation in the coming months.

A major piece of research is being developed by the Irish Council of Churches, Vox Magazine and Evangelical Alliance on both sides of the border, to identify and capture the experiences of “new Irish” in churches across the island. It is hoped that PCI can engage fully with this work, and that it will prove helpful for the denomination both in terms of public affairs, but also the work of Global Mission and Mission in Ireland.

### **Dignity of Life**

Following the Standing Commission of the General Assembly in 2020, a panel on human dignity was established by the Council. Its remit

involves relating to government, statutory agencies and others, on beginning and end of life issues, human rights, artificial intelligence, and other areas. Its initial work has been mostly reactive responding to legislative change on abortion, proposals relating to a Bill of Rights for Northern Ireland, and engaging on the policy and public square aspects of the conversations on what has become known as ‘conversion therapy’.

PCI has supported the Private Member’s Bill introduced by Paul Givan MLA which is seeking to remove the provision to access an abortion following pre-birth diagnosis of non-fatal abnormality. Representation has also been made to relevant Parliamentary Committees at Westminster on the legislative proposals brought forward by the Secretary of State for Northern Ireland which give him power to make decisions relating to health and education, undermining the devolution settlement.

Following written submissions to the NI Assembly Health Committee on the Severe Fetal Impairment (Abortion) Amendment Bill, and to the NI Assembly Ad Hoc Committee on a Bill of Rights, representatives from PCI were invited to give oral evidence to both Committees.<sup>1</sup> In both instances PCI facilitated representation from other denominations or organisations on the same panel to present a combined response from a Christian perspective.

### **Welfare and Wellbeing**

A response was submitted to the consultation on a draft Mental Health Strategy 2021–2031. The submission highlighted the role that churches play in providing a primary environment for people to build meaningful relationships, have an opportunity to talk and receive pastoral support.

While most often pastoral care is provided by the minister, an increasing number of congregations have trained teams of volunteers as part of a network of pastoral support, while other activities and programmes delivered by local churches, or church volunteers, provide pivotal points of contact through which poor mental health, low mood or lower levels of wellbeing can be observed, support provided, and suitable interventions signposted. This might be through parent and toddler groups; youth leaders engaging young people and then with parents during drop-off and pick-ups; morning coffee times, lunch clubs or befriending groups for older people; through Christians Against Poverty offering support for people experiencing debt, courses in life skills and job clubs; or specific groups providing care to children and young people with disabilities and their families. There are countless other examples.

The response specifically drew attention to clergy support during times of bereavement, and especially those sudden deaths – through murder,

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1 Evidence to the Ad Hoc Committee on a Bill of Rights – 6 May 2021; Evidence to the Health Committee – 17 June 2021

suicide or accidental death – which can often have a significant ripple effect within families and communities.

The Panel has been considering future priorities, seeking to be proactive and upstream. It has identified “Loneliness” as a specific area of consideration, touching many different areas of public policy, including the challenges presented by an ageing population, poverty and the isolation that can accompany it, especially for those who live with, or care for someone with, a disability. The Panel proposes to first undertake a scoping exercise in Autumn 2021 to better understand the issues, and identify groups and organisations already at work in this area. Following the scoping exercise the Panel will come forward with recommendations to the Council.

### **Partnership Working**

The Council for Public Affairs has worked collaboratively with other Councils on a range of issues including the Council for Global Mission on proposals to merge the Foreign and Commonwealth Office with the Department for International Development, and the significant cuts to the aid budget. Drawing on the expertise of the Council for Social Witness, responses have been made to proposals for an Adult Protection Bill for Northern Ireland, a draft strategic framework to tackle the harm from substance abuse, and legislation relating to licensing laws. A response has also been made, in conjunction with the chaplain to Woodlands Juvenile Justice Centre, to a consultation on the establishment of a regional care and justice campus. These collaborations are crucial not only in highlighting the diversity of activity within PCI, but also to draw on significant professional experience and knowledge within the denomination.

Inter-church engagement continues to be an important part of PCI’s participation in the public square. Through the structures of the Irish Council of Churches and the Irish Inter-Church Meeting there has been significant engagement with government officials in the Republic of Ireland, UK and European Union on matters relating to peacebuilding, legacy, dealing with the past and more recently Brexit. A document called ‘The Unfinished Work of Peace’ has been drafted by the ICC/ IICM to capture the work of the legacy group, and better understand its position within internationally recognised peace-making and peace-building frameworks.

### **Changing relationships**

It is widely recognised that the decision of the UK to withdraw from membership of the European Union has had an impact on relationships not only with those two entities, but also between Northern Ireland and the rest of the United Kingdom, and Northern Ireland and its nearest neighbour in the Republic of Ireland. At the same time there has been considerable demographic change in Northern Ireland which the results of the Census held earlier in 2021 will only confirm in the

coming years. The decade of centenaries which has been shared across the island of Ireland, leading up to this year's 100th anniversary of partition and the creation of NI, provides an opportunity to reflect on the past and consider the shape of the future.

At its meeting on 16 June, the Council for Public Affairs had a discussion on how gospel principles along with the views, needs and aspirations of Presbyterian people across the island of Ireland might be best articulated within the context of these changing relationships.

This can present a number of challenges for the Council, not only in seeking to discern what is the appropriate input from a Presbyterian perspective, but even at times deciding if it is appropriate to engage with different bodies. For instance, there are biblical and reformed principles that PCI has a responsibility to articulate about the future of relationships in these islands, whatever those relationships might be. However, the mechanism through which this reformed Christian voice can be heard may mean PCI formally engaging with bodies like the Irish Government's Shared Island Unit. While some within PCI may question the involvement of our denomination with such initiatives most, however, will no doubt agree that the Church has a positive and important contribution to make for the common good of all people today and the generations to come.

### **Postures, principles and practices**

This paper comes out of the strategic planning conference led by Dr Nathan Mladin (Theos Think Tank) as a framework for the ongoing work of the Council. Given the complex and highly contested cultural space in which we live and the cross-cutting nature of the Council's work, the paper seeks to integrate this work more firmly in the mainstream of PCI's ministry and mission. It is also intended to act as a catalyst for in-house conversations and robust theological reflection enabling us to navigate some of the prevailing culture wars of today and identify some future priorities for PCI. There is also an urgency to engage and educate our young people and young adults in conversations so that they may be confident in their Christian witness within this ever-changing cultural landscape.

The Vision for Society Statement received by the General Assembly 2016 places peacebuilding at the heart of Christian discipleship and PCI, and calls us to:

- grace-filled relationships in the power of the Holy Spirit as ambassadors of Christ's kingdom in a broken and divided world;
- promote the counter culture of Jesus in a society where cultures clash;
- reassert the Church's calling to pursue a peaceful and just society in our day;
- seek a more reconciled community... working together for the common good.

As a Council our posture in the public square is to be:

- Bible-based and gospel-focused;
- built on kingdom values including compassion, grace and hope;
- collaborative within PCI and with other churches and organisations as appropriate;
- looking for opportunities to be “upstream”, influencing conversations in wider society;
- respecting the dignity of all humanity.

We do not minister in a vacuum and so we must be clear and faithful to the teaching and principles of the Bible, and truthfully compassionate in all our engagement with those beyond our walls.

## **APPENDIX A**

### **Graciously Confident Gospel Engagement in the Public Square “A Framework of Principles, Postures and Practices.”**

#### **1. The Council for Public Affairs**

The Council for Public Affairs has a broad, cross-cutting remit under the General Assembly of the PCI: receiving reports from its committee and panels; considering responses to public consultations; collaborating with other organisations on issues of mutual concern; and engaging with the media and public representatives on public policy issues and other matters of public concern. Its work is spread out across the State Education Committee and four panels namely the Republic of Ireland Panel, the Human Dignity Panel, the Peace and Reconciliation Panel and the Welfare and Wellbeing Panel. From time-to-time various ad hoc task groups supplement this work.

The Council does not, and should not, work in isolation. The life and witness of every facet of PCI contributes to, and impacts on, its role and function. The strategic work of the Council for Training in Ministry is potentially invaluable with regard to the effective preparation and equipping of ministers, deaconesses and others to contextualise the Word of God, thinking theologically about all aspects of life and engaging confidently with the contemporary context so that they can outline a biblical picture of human flourishing. The Council for Social Witness seeks to deliver an effective social witness service on behalf of PCI to the wider community, through the provision of residential care, nursing care, respite care and supported housing for vulnerable people including the elderly, those with disabilities and those transitioning

from the criminal justice system. The Council for Global Mission helps to lift our focus as a denomination from the island of Ireland to the work of developing mission overseas, and brings issues of global concern to the attention of the wider church, including those which have a local impact like multicultural relations and stewardship of creation. Through the work of chaplaincy under the Council for Mission in Ireland, PCI reaches into universities, hospitals, prisons and serves the armed forces, often connecting with people at their point of greatest need. The Council for Congregational Life and Witness has responsibility for encouraging and resourcing congregations to witness in their local communities where they are placed, facilitating discipleship in these contexts and providing strategic direction for ministry with young people. Congregations across the island of Ireland are points of light within local communities responding to local need through food banks, toddler groups, homework clubs, groups for seniors, debt counselling, and countless other ways. We are all part of the public square.

The public square across Ireland, is a contested, complex and rapidly changing cultural and moral landscape. Navigating these major shifts presents us, as a denomination, with huge ongoing challenges along with numerous opportunities to step into graciously confident gospel engagement in the public square. Speaking grace and truth into this fundamentally fluid landscape continues to be our discipleship imperative as followers of Jesus. The Council for Public Affairs has been building on the work of its overnight conference “Building on Solid Ground” in September 2019 with Dr Nathan Mladin (Theos Think Tank) by identifying a framework of principles, postures and practices that we in PCI should adopt as we seek to carry out this divine mandate of graciously confident Gospel engagement in the public square. It opens with a short analysis of why this is necessary and then proposes several characteristics and virtues which ought to inform all of us in this crucial task.

## **2. Public Theology**

Historically, the work of public theology has not attracted the same attention as some other expressions of the work and beliefs of the Church. This paper is a clarion call to reclaim the lost vision of public theology, emphasising the great value that should be placed on the discipline of seeking to understand the times, putting our finger on the cultural moment and doing theology in the current social, economic and political context in which we find ourselves. As a denomination we must urgently recover this vision of the Church as a countercultural community of Gospel-centred believers confidently taking their place in the public square.

In rising to this call, we must be deeply prayerful. Some legislation currently being framed by our law-makers is not as we would want, but as faithful followers of the Lord Jesus we are called to graciously

confident Gospel engagement in the public square, praying for the blessing and benefit of all in our society. At times we may feel justifiably angry, but we must be careful that this does not lead us into words and actions which bring shame on the name and reputation of Jesus. As Christians it is all too easy to be caricatured by what we are against, so let us resolve to be proactive, upstream thinkers who are biblically informed and culturally aware.

### 3. The rapidly changing public square

In a world now defined through the lens of identity politics and choices which, we are told are increasingly non-binary, we are ironically left with a set of binary options that boil down to this – if you are not for me you must be against me, and if you are against me, while of course you have the right to hold your personal beliefs, there is no place for you to articulate those in the public square. Which leads to the following analysis of the public square.<sup>2</sup>

#### a. *It is becoming much more diverse*

The Church does not have the same prominent role in society across Ireland as it once had. The old norms have been rejected and new philosophies and ideas are being promoted. In recent years, there has also been significant inward migration to both Northern Ireland and the Republic of Ireland bringing new faith groups and cultures to our shores. Previously, there might simply have been an expectation that the Church would have some contribution to make to the big issues of the day. While faith still has a part to play in public conversations, there is no longer an automatic invitation. It must find its place and take its seat at the table along with everyone else.

#### b. *It is becoming smaller*

Paradoxically, although the public square is rapidly becoming more diverse, it feels like the public square is also getting smaller. There is an increasingly reported trend across academic institutions of ‘no-platforming’ – described by one person who found themselves in this position as “a recent surge in efforts to suppress the expression of views that people find offensive or immoral, and to punish those associated with those views.”<sup>3</sup>

Such is the extent of the phenomenon in England and Wales, that the UK Equality and Human Rights Commission issued guidance on it in 2019 with previous Commission Chair, David Isaac, commenting:

*“Holding open, challenging debates rather than silencing the views of those we don’t agree with helps to build tolerance and address prejudice and discrimination. Our guidance makes clear that freedom of speech in higher education should be upheld at every opportunity and should only be limited where there are genuine safety concerns or it constitutes unlawful behaviour.”<sup>4</sup>*

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4 Free speech to be protected at university | Equality and Human Rights Commission ([equalityhumanrights.com](http://equalityhumanrights.com))

The Queen's Speech in May 2021, outlining the UK Government's legislative programme for the next parliamentary session, included news of a bill to protect freedom of speech at universities. That this point needs to be made was probably unthinkable 10 or 15 years ago. More locally, and recently, debate on the changing nature of legislation on the provision of abortion services both north and south has generated conversation about who has a right to speak publicly on such issues. A picture of the Secretary of State for Northern Ireland meeting with Church leaders sparked significant outcry on social media – abortion is a health and medical issue, not one where there is room to hear from those who hold views influenced by their religious belief, and in particular men. And yet the subject in hand is about the core of who we are as individuals and about matters of the dignity of human life – questions which cannot be answered solely by scientific reasoning.

*c. It is getting louder*

There is a readily available cacophony of voices at all times through social media, the internet, 24-hour news cycles – all shouting to be heard, with the loudest voices gaining the most traction. The place of public debate has become a zero-sum game where if you win, I lose and vice versa. The space for robust and balanced discourse, respectful listening and agreeing to disagree well, have all but been removed.

*d. The complexity of the cultural moment*

Against this backdrop of the changing public square, which although becoming more diverse is getting smaller and louder, we must also reflect on the complexity of this cultural moment. It would not take too long to fill a flipchart with some of the major issues of today, a diverse list including Brexit, climate change, migration, housing and homelessness, austerity and poverty, lack of educational aspiration, distrust of institutions (including organised religion). If we spent another 5 or 10 minutes, we would quickly begin to see the connections and correlations – spinning an impenetrable web.

Secular assumptions have now become confessional positions, most evident in the blurring lines between reporting facts and reporting opinions in the media. The proliferation of news channels and ways in which we receive news – print, radio, television, virtual, and through social media – are not politically neutral and influence not only what we hear, but how voices and perspectives are heard. Scratch the surface and just beneath there is a perception that people of faith really have nothing of value to speak into the public square, or offer society more generally. Reflecting frankly on our own denomination, the decisions taken in 2018 now act as a lens through which others view how PCI speaks in the public square.

In this context, our urgent task as disciples of Jesus is to reimagine public theology. Where do we go from here? In an increasingly hostile world, the temptation is to retreat, baton down the hatches and isolate ourselves from the world.

And yet, we continue to represent a significant group of people who continue to look to PCI to use its voice in the public square. We are also fully members of Irish community life, north and south, and have the same rights (and responsibilities) as others in a pluralist society to contribute and influence. The Gospel is a framework for life which is for the benefit of all, whether they believe it or not.

#### 4. The theology of exile

We must constantly remind ourselves that we are citizens of another kingdom – the Kingdom of God – and therefore we are living in exile. We belong to another place and are shaped by laws and values of another world, whose architect and builder is God. We live at the intersection of the ages where we recognise that we are not going to be able to bring in the Kingdom of God in all its wonderful fullness through our own efforts. Nonetheless we can have a restraining influence on sin by working for justice in a fallen and broken world. Jeremiah's letter to the exiles offers wise instruction in this regard, especially in chapter 29 v7,

*“Seek the peace and prosperity (welfare) of the city to which I have carried you into exile.*

*Pray to the Lord for it, because if it prospers, you too will prosper.”*  
*Jeremiah 29:7 (NIV)*

Our duty to seek the “peace and prosperity of the city” is not to live in utopia, but rather a holistic apologetic to bring a little bit more of the Kingdom of God into the present age.

Some people used to say that Christians were in the ‘moral majority’. Whether or not that was true then, it is becoming evident we are now in the minority. With this minority status we must learn a whole new way of living, a whole new vocabulary and a whole new manner of relating to the public square. The ground beneath our feet has shifted in unimaginable ways and the Christian world-view is frowned upon and, at times, openly attacked.

So how are we to relate to this hostile environment? How are we to “seek the peace and prosperity of the city?” We need to develop a theology of living in exile in a way that we have never had to do before. This is uncharted territory for us all.

What are some of the principles, postures and practices we should be cultivating in our personal lives and in the life of our denomination as a framework for gracious, confident Gospel engagement with the public square?

- (a) *The necessity for us to cultivate a recovery of the virtue of prudence*

Prudence is the art of making God-honouring choices between relative “goods” and lesser “evils” for the sake of gaining something, rather than losing everything. It is a process of biblically informed moral

reasoning by which our Christian ideals are approximated to the contours of our fallen and sinful world. A prudent Christian will weigh up the practicalities of what we can achieve and reduce the scope of our goals because the world is fallen, i.e., an acknowledgement that it is not possible to get everything we would like and aiming for the best outcome in an imperfect set of circumstances. This means being willing to adjust our goals according to reality as we receive new facts and information. Obviously, this means that we need to draw relative moral distinctions leading to imperfect choices between a set of alternatives which are not what we would have wanted. In other words, making the best of the situation for the sake of saving something for the Gospel, rather than losing everything. Prudence combines intelligence, intuitive understanding, good sense, sympathetic understanding, a teachable spirit, caution (not indecision), and seasoned judgement.

This is becoming increasingly important for us as we engage with the public square as exiles, holding fast to our orthodox Christian position. We must be willing to learn how to navigate this complex and challenging territory in a wise and Christ-honouring way with great skill and adjust our goals according to reality. A recent example of this is the merits or otherwise of Paul Givan's "Severe Fetal Impairment Abortion (Amendment) Bill" versus the abolitionist stance of complete repeal of the NI abortion regulations. For people with a strong pro-life belief this is a difficult call to make, distinguishing between what is bad and what is far worse. We need a huge amount of Godly-wisdom and Holy Spirit-anointing as we navigate this messy and challenging space and work to find approximate solutions to problems which are insoluble from a human perspective. This involves collaborating around critical issues to pursue important, but temporal goals, whilst at the same time always having a distinct sense of our own identity in Christ and a certain wariness of the fragile nature of this earthly city we now inhabit.

*(b) The necessity for us to cultivate a recovery of the virtue of civility*

The posture and tone we adopt in the public square really matters. Actions often speak louder than words. Our behaviour in the public square matters a great deal. Speaking civilly to our opponents is a Christian virtue and disagreeing well is a witness to the Gospel mandate to love our neighbour. We should always be respectful of others. Sadly, however, it is so easy for us to become so heated up about something that civility becomes a casualty in our conversation.

One part of our Reformed theology is that God is always sovereign and prominent, and our duty is to be faithful disciples of Christ as we live in exile. In other words, the Lord knows where history is going, which means we do not. So we must trust Him in the confusing times we are living through. It is true that our views are not considered to be mainstream any more when it comes to talking about human sexuality, marriage and the dignity of all human life from conception to its

natural end. We are going to find it increasingly uncomfortable to hold a view which is thousands of years old and considered by some to be bigoted and perhaps even dangerous.

Being civil is not an excuse to be evasive or uncertain about our beliefs or unclear about articulating them. This is all the more reason for us to be serious students of the culture and context of our exile. Sadly, history is littered with numerous examples of people who are not taken seriously in the public square because of their lack of charity and civility. If we want people to hear us, then the look on our faces and our whole demeanour are crucially important. In short, we need a much fuller radiance of the third Person of the Trinity and an acknowledgement that it is not all up to us – ultimately it is up to Him.

*(c) The necessity for us to cultivate a new public language and vocabulary*

We are a society comprising a whole mixture of different cultures. There is a diminishing culture of God-fearing people who believe the Bible, believe God's standards for living and believe in Jesus for salvation. There are those who live in a morally relative universe where there are no givens and no absolutes and ultimately no truth, who are not interested in what the Lord says in His Bible. When we leave the General Assembly and our church buildings and go out into the public square, we have entered a distinct and different place which no longer speaks our language, nor understands our vocabulary. We must be serious students of the culture and major philosophical trends around us, so that we can develop a public language which will appeal across different cultures and world views. A public vocabulary, as opposed to one only understood within the confines of our private conversations, which will make our message much more accessible across the board. Undoubtedly, this is a difficult task in the context of a rejection of what we perceive to be true and absolute.

This means we will need to engage in rigorous and robust theological discussion and debate both amongst ourselves, and with those who hold opposing points of view. We require this so that we can persuade and argue for the truth, have real dialogue and conversations. In fact, we probably need to be most engaged with those with whom we disagree most fundamentally.

## **5. On a pilgrimage**

We are on a pilgrimage in this temporary existence, whilst at the same time longing for our true home in another place. As we seek the peace and prosperity of the city of man, we must also be faithful Christians in a time not of our own choosing. This is a time for walking together unintimidated especially when we feel small and beleaguered. A time for rejoicing together in our momentary triumphs and a time for defiance in our momentary defeats. A time for persistent and reasoned arguments, never tiring of proposing a more excellent way so that our culture may flourish. And it is also a time for generosity towards those

who make us their enemy. It is a time of hope as we seek the air of another city, the New Jerusalem, which is our true home. Learning the language, and adopting the postures and tone, of graciously confident gospel engagement in the public square as those living in exile is not an easy task, but is not impossible. Whatever changes around us, one thing remains true – God’s love in Christ remains the core message which compels us, and introducing Jesus into our conversations and responses to the new world we inhabit through respectful dialogue must be paramount.

## COUNCIL FOR PUBLIC AFFAIRS – APPENDIX B

### Consultation Responses December 2020 – May 2021

Date	Title	Organisation	Type	Responder	Pages
Dec 2020	Licensing and Registration of Clubs (Amendment) Bill	Northern Ireland Assembly Committee for Communities	Legislation	Council for Public Affairs and Council for Social Witness	2-4
Jan 2021	Oral evidence to Committee on 4th Feb 2021 <sup>5</sup> Dying with Dignity Bill	Oireachtas Committee on Justice	Legislation – Private Member's Bill	Republic of Ireland Panel	5-18
Jan 2021	Public Consultation on the Future of Media in Ireland	Future of Media Commission	Consultation	Republic of Ireland Panel	19-20
Jan 2021	Establishment of a Regional Care and Justice Campus	Department of Justice	Policy Development	Council for Public Affairs & Council for Mission in Ireland – Chaplaincy Committee	21-22
Feb 2021	A Bill of Rights for Northern Ireland Oral evidence to Committee on 6th May 2021 <sup>6</sup>	Northern Ireland Assembly Ad Hoc Committee on a Bill of Rights	Legislative Development	Human Dignity Panel	23-27

<sup>5</sup> [committee-23204.pdf \(niassembly.gov.uk\)](#)

<sup>6</sup> [committee-26338.pdf \(niassembly.gov.uk\)](#)

Feb 2021	Making Life Better – Preventing Harm and Empowering Recovery: A Strategic Framework to Tackle the Harm from Substance Use	Department of Health	Draft Strategy Consultation	Council for Public Affairs and Council for Social Witness	28-32
March 2021	Programme for Government: Draft Outcomes Framework	Northern Ireland Executive	Framework Consultation	Council for Public Affairs – conveners	33-38
March 2021	Draft Mental Health Strategy	Department of Health	Draft Strategy Consultation	Welfare and Wellbeing Panel	39-45
April 2021	Abortion (Northern Ireland) Regulations 2021	Houses of Parliament Joint Committee on Statutory Instruments	Legislation	Council for Public Affairs	46-48
April 2021	Abortion (Northern Ireland) Regulations 2021	House of Lords Secondary Legislation Scrutiny Committee	Legislation	Council for Public Affairs	49-52
April 2021	Development of an Adult Protection Bill for NI	Department of Health	Legislative Development	Council for Public Affairs & Council for Social Witness	53-57
May 2021	Independent Review of Charity Regulator	Department for Communities	Independent Review	Council for Public Affairs	58-60
May 2021	Severe Fetal Impairment Abortion (Amendment) Bill	Northern Ireland Assembly Committee for Health	Legislation – Private Member's Bill	Human Dignity Panel	61-64
	Oral evidence to Committee on 17th June <sup>7</sup>				

## APPENDIX C

### Submission from the Republic of Ireland Panel of the Presbyterian Church in Ireland to the Oireachtas Committee on Justice on the Dying with Dignity Bill 2020

#### Executive Summary

1. The Presbyterian Church in Ireland (PCI) has over 535 congregations across the island of Ireland, with almost a fifth of those in the Republic of Ireland. PCI offers this submission to the Committee on Justice based on the pastoral experience of its clergy, and informed by medical and legal expertise from within the denomination. The submission does not address every question in the *Framework for Committee Scrutiny of PMBs* but focuses on questions 4 and 8 under Part A, and questions 15–17 under Part B.
2. At its General Assembly annual meeting in June 2018, a paper was received establishing PCI's policy on the matter of Euthanasia and Assisted Suicide. It highlighted that "*intentional killing (as in euthanasia, assisted suicide and abortion) is wrong because it violates a profound moral order that human life really does matter and has innate value.*"<sup>8</sup> This belief provides the foundation for the content of this submission.
3. In addition, PCI notes that there is no support for this Bill from the Royal College of Physicians which in 2017 stated that, "The RCPI officially opposes the introduction of any legislation supportive of assisted suicide because it is contrary to best medical practice"<sup>9</sup>; or from the Irish Association for Palliative Care which has recommended that there should be no change in the law in order to legalise euthanasia.<sup>10</sup>
4. Rather than introducing this legislation more efforts should be placed on ensuring that palliative care pathways are readily available and accessible across the country, particularly in areas where service provision is inconsistent – often away from larger urban regions. It is our contention that investing in palliative pathways, rather than the proposals in this Bill, provide a better way of increasing dignity and peacefulness around the end of life in Ireland for qualifying patients.
5. The components that contribute to a peaceful and dignified death extend to other domains beyond the physical. Our experience from sitting beside countless bedsides as pastors is that social, emotional, financial and spiritual factors all contribute. How people have lived

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8 2018-PCI-Annual-Reports.pdf.aspx ([www.presbyterianireland.org](http://www.presbyterianireland.org)) (see pages 185–194)

9 Royal College of Physicians of Ireland Assisted Suicide – Position Paper December 2017, adopted by the Council of the Royal College of Physicians on 8th December 2017, avail available at <https://rcpi-live-cdn.s3.amazonaws.com/wup-content/uploads/2020/02/Assisted-Suicide-Position-Paper-2017.pdf>

10 Irish Association for Palliative Care Voluntary Euthanasia Discussion Paper March 2011, available at [www.iapc.ie/iapc-publications/voluntary-euthanasia-discussion-paper/](http://www.iapc.ie/iapc-publications/voluntary-euthanasia-discussion-paper/)

also affects how they approach and manage the final phase of their lives. By focussing so restrictedly on the physical aspects of dying, the Bill fails to take account of the other factors which contribute to a dignified and peaceful death and which mitigate or exacerbate human suffering and distress. With such a limited understanding of the human condition, and specifically on the nature of dignity and peaceful dying, how can the Bill succeed with its stated purpose?

6. The Bill, as currently drafted, has the potential to create a number of unintended consequences with significant safeguarding gaps, risks associated with extending the provision to anyone resident on the island of Ireland for at least one year, and the potential for societal alienation.
7. With regard to specific legal considerations, we consider that the Bill does not sufficiently vindicate the rights of citizens and is fundamentally flawed. The decriminalisation of suicide under the 1993 Act did not give rise to a constitutional right to end one's life. The Bill does not balance sufficiently the rights of all citizens – it leaves vulnerable members of our society open to abuse, duress or the weight of a perceived expectation that they will relieve others of the burden of caring for them; and it contains no robust or sufficient safeguards.
8. Moreover, the Bill is poorly drafted with defined terms lacking precision and thus open to either misconstruction or significant ambiguity. Different terms with similar meanings are used interchangeably in the proposed legislation, in a way that would give rise to significant uncertainty and confusion.
9. Improving the care needs of those approaching the end of life in a consistent manner, to help them to live as well as possible to the end of their lives, ought to be the focus. The true measure of any society is how it treats its most vulnerable and the Bill would increase, not lessen, their vulnerability. On that ground alone, the Bill should not proceed.

## PCI RESPONSE

### Background

1. The Presbyterian Church in Ireland (PCI) has over 217,000 members belonging to 535 congregations across 19 Presbyteries throughout Ireland, north and south. Just under a fifth of those congregations are in the Republic of Ireland, representing around 13,000 members, many from newcomer communities and with leadership from both men and women. As one of the minority churches in Ireland, PCI appreciates the opportunity to express its views with regard to the Dying with Dignity Bill 2020.
2. PCI Ministers, through service to their own congregations, and as members of their local communities, seek to provide appropriate and sensitive pastoral care at all stages of life, at those times which generate much joy and happiness as well as those times which are filled with grief

and sorrow. Many PCI clergy count it a real privilege to support and journey with families who are caring for a loved one coming towards the end of their life. Indeed, the restrictions placed on all of society over the past year to combat the global pandemic have been particularly difficult in this regard for clergy of all denominations seeking to care for and support, those experiencing bereavement.

3. Many of our members work in the health and social care sectors, and more still have experience of caring for a loved one as they approach their final days. This submission on the Dignity with Dying Bill 2020, which draws on medical and legal expertise from within the denomination, seeks to recognise the complexity of the issues, whilst reflecting these lived experiences.
4. The General Assembly is the supreme governing body of PCI, and represents all individual congregations and oversees the various councils and committees that deal with the day-to-day running of the various aspects of church life. The Council for Public Affairs is authorised by the General Assembly to speak on behalf of PCI on matters of public policy. The Republic of Ireland Panel considers such matters within that jurisdiction.
5. At the General Assembly annual meeting in June 2018, a paper was received establishing PCI's policy on the matter of Euthanasia and Assisted Suicide.<sup>11</sup> It highlighted that, "*intentional killing (as in euthanasia, assisted suicide and abortion) is wrong because it violates a profound moral order that human life really does matter and has innate value*".
6. The 2018 report concludes as follows:
 

*"The current laws [on the island of Ireland] on assisted suicide and the guidance that has been given for their administration continue to provide a fair, balanced and compassionate approach to a difficult and complex issue. Christians should resist the legalisation of assisted suicide and euthanasia while urging government and wider society to adopt the other options that are available for the alleviation of pain and suffering. Resources must be given generously to support palliative care research and delivery because of the need and vulnerability of those affected. Facilities like the Hospice Movement must be encouraged. Above all, the Christian community should take the lead in showing the prayerful, dignified, respectful care which assures people that they are valued and loved, even in the midst of pain and helplessness."*
7. Having set out this more general perspective, the rest of this submission deals more specifically with the issues arising from the Dying with Dignity Bill 2020 during this Committee Scrutiny stage of the legislation. The submission does not deal with every question in the *Framework for Committee Scrutiny of PMBS*<sup>12</sup> but primarily addresses

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11 2018-PCI-Annual-Reports.pdf.aspx ([www.presbyterianireland.org](http://www.presbyterianireland.org)) (see pages 185–194)

12 The Committee on Justice invites submissions on the Dying with Dignity Bill 2020. – Committee on Justice – 33rd Dáil, 26th Seanad – Houses of the Oireachtas

questions 4 and 8 under Part A: Policy and Legislative Analysis, along with questions 15, 16 and 17 under Part B: Legal Analysis.

### **Part A: Policy and Legislative Analysis**

**Question 4: How is the approach taken in the Bill likely to best address the policy issue?**

8. The Bill makes no clear statement as to why the law is required to change. It states its purpose as:

*“An Act to make provision for assistance in achieving a dignified and peaceful end of life to qualifying persons and related matters.”*

This prompts the following three distinct questions which are addressed in the following paragraphs:

- (i) Is the matter addressed in the Bill of real significance?
- (ii) Is the current law in Ireland in need of change to achieve the stated purpose of the Bill?
- (iii) Will the proposed changes to legislation be likely to achieve the stated purpose?

(i) **Is the matter addressed in the Bill of real significance?**

9. We would contend that improving the care needs of those approaching the end of life consistently across Ireland is an issue of major societal importance – to provide the expertise and support to help people live as well as possible to the very end of life. While Ireland has led the way in palliative care services, much still needs to be done to ensure that such care is readily available and accessible across our land. As many have said in different ways, the true measure of any society can be estimated in how it treats its most vulnerable, and ensuring that those made vulnerable through illness and distress are well supported is a priority for us all. This would be fundamental to our beliefs and understanding as representatives of the Presbyterian community in Ireland.

10. In this regard, our own statements in relation to this matter, for example as stated in paragraph 6 above, would concur with the Joint Committee on Justice and Equality – Report on the Right to Die with Dignity 2018:

*“The Committee is of the opinion that assisted dying should never be contemplated due to inadequate or insufficient supports or as a substitute for a holistic framework of care. The Committee supports the recommendations contained in the Palliative Care Services Three Year Development Framework (2017 to 2019) and urges the Minister for Health to ensure the recommendations are implemented in full.”<sup>13</sup>*

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13 [https://data.oireachtas.ie/ie/oireachtas/committee/dail/32/joint\\_committee\\_on\\_justice\\_and\\_equality/reports/2018/2018-06-25\\_report-on-the-right-to-die-with-dignity\\_en.pdf](https://data.oireachtas.ie/ie/oireachtas/committee/dail/32/joint_committee_on_justice_and_equality/reports/2018/2018-06-25_report-on-the-right-to-die-with-dignity_en.pdf)

11. A holistic framework of care is the means we support to achieve a ‘dignified and peaceful death’ for more people in Ireland in contrast to changing the law in relation to Physician Assisted Suicide/Physician Assisted Euthanasia (PAS/PAE). To achieve the stated aim, we would support the expansion of holistic palliative care services as a priority.
12. We note those most involved in the care of the dying in Ireland, members of the Royal College of Physicians, are not supporting a change in the law or advocating that such a change would achieve the stated aims of the Bill.

*“That RCPI officially opposes the introduction of any legislation supportive of assisted suicide because it is contrary to best medical practice. That RCPI promotes a considered and compassionate approach to caring for, and proactively meeting the needs and concerns of patients who may be approaching the end of their life. That RCPI would as a body promote adherence to the Medical Council’s current Guide on Professional Medical Conduct and Ethics for Registered Medical Practitioners guidance on End of Life Care.”<sup>14</sup>*

The Irish Association for Palliative Care (IAPC) is an all-island body with the purpose of promoting palliative care nationally and internationally. The IAPC has recommended that there should be no change in the law in order to legalise euthanasia.<sup>15</sup>

**(ii) Is the current law in Ireland in need of change to achieve the stated purpose of the Bill?**

13. The Bill has as its objective the provision for terminally ill people to end their lives with legally-supplied medication or, in some cases, to have such drugs injected into them by doctors, based on the supposition that such a change in the law will achieve the goal of increasing dignity and peacefulness around the end of life in Ireland for qualifying patients. We contend that changing the law in this way will not achieve this aim.

*Physician Assisted Suicide*

14. Under the Criminal Law (Suicide) Act 1993 suicide ceased to be unlawful in Ireland. However, it remains unlawful to aid, abet, counsel or procure the suicide of another person. A person convicted of such an offence is liable to a sentence of imprisonment of up to fourteen years. The Act states, however, that *“no proceedings shall be instituted for an offence under this section except by or with the consent of the Director of Public Prosecutions”*.<sup>16</sup>

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14 Royal College of Physicians of Ireland Assisted Suicide – Position Paper December 2017, adopted by the Council of the Royal College of Physicians on 8th December 2017, avail available at <https://rcpi-live-cdn.s3.amazonaws.com/lup-content/uploads/2020/02/Assisted-Suicide-Position-Paper-2017.pdf>

15 Irish Association for Palliative Care Voluntary Euthanasia Discussion Paper March 2011, available at [www.iapc.ie/iapc-publications/voluntary-euthanasia-discussion-paper/](http://www.iapc.ie/iapc-publications/voluntary-euthanasia-discussion-paper/)

16 Criminal Law (Suicide) Act 1993, Section (4)

*Physician Assisted Euthanasia*

15. Currently there is no law specifically relating to PAE in Ireland. Deliberately ending the life of another person, with or without the victim's consent, constitutes murder and is contrary to the Criminal Justice Act 1964 and to common law.
16. Most modern societies regard with compassion people who take or attempt to take their own lives. They do not, however, regard suicide as something that is to be assisted, aided or abetted. Indeed, the high rates of suicide across Ireland are a matter of grave concern and reduction of suicide is a priority.<sup>17</sup> The existing law in Ireland reflects these values. It forbids assistance with suicide, while its requirement that no proceedings may be undertaken without the consent of the Director of Public Prosecutions recognises that such offences are sensitive and that there could be exceptional circumstances in which a breach of the law does not call for prosecution in the public interest. This combination of deterrence with discretion ensures that the offence of assisting suicide is rare, while the serious penalties that the law holds in reserve to deal with malicious or manipulative assistance ensure that the small number of cases that do occur tend to be those where there has been much soul-searching, reluctance and genuine compassion on the part of the assister.
17. The Bill sends the social message to people who are seriously ill that taking their own lives can be an appropriate course of action and it removes the deterrent against malicious assistance. Where assistance with suicide has been legalised, the death rate from this source has been seen to rise steadily. In the US State of Oregon, for example, the number of legally assisted suicides has risen twelvefold since the law was changed. Oregon's 2019 official death rate from this source is the equivalent of over 300 cases of assisted suicides annually in the Republic of Ireland if the law were to be changed along the lines of Oregon's law.
18. Where PAE has been legalised, the death rate from this source is even higher than for PAS. In the Netherlands in 2019, one death in every twenty-five from all causes throughout the country resulted from legalised PAE.

The existing laws in this area in Ireland are not in need of change to achieve the intended aim. They combine deterrence of malicious or manipulative acts with discretion to deal appropriately with genuinely compassionate acts.

**(iii) Will the proposed changes to legislation be likely to achieve the stated purpose?**

19. The components that contribute to a peaceful and dignified death extend to other domains beyond the physical. Our experience from

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<sup>17</sup> *gov.ie* – Minister for Health and Minister for Mental Health extend National Suicide Reduction Strategy to 2024 ([www.gov.ie](http://www.gov.ie))

sitting beside countless bedsides as pastors is that social, emotional, financial and spiritual factors all contribute. How people have lived also affects how they approach and manage the final phase of their lives. By focussing so restrictedly on the physical aspects of dying, the Bill fails to take account of the other factors which contribute to a dignified and peaceful death and which mitigate or exacerbate human suffering and distress. With such a limited understanding of the human condition, and specifically on the nature of dignity and peaceful dying, how can the Bill succeed with its stated purpose?

### **Lack of evidence to support a law change**

20. There is no clear evidence this Bill will achieve the “dignified and peaceful end of life” as is its stated aim. There is, however, evidence that while palliative care improves quality of life, palliative care provision across Ireland is inadequate.<sup>18</sup> The impact of this is evidenced in our lived experience, particularly amongst our rural and border congregations where the experience mirrors that of the National Clinical Programme for Palliative Care review which found that:

*“Access to palliative care and supporting services varies according to age, socioeconomic considerations, geographic location and diagnosis. Inequities in service provision includes access to GPs and other healthcare professionals providing palliative care approach services.”<sup>19</sup>*

### **Evidence of unintended consequences undermining the stated purpose**

21. There is evidence from legislatures that have passed such laws that restrictions on the qualifying persons are often reduced following on from initial legislation. For example, children are now eligible to request euthanasia in both Belgium and Holland (over the age of 12) and just three years after Canada changed its law, a drive for extending the criteria for “physician assisted dying” to include minors and those with mental illness has begun.
22. The use of such legislation in other counties in relation to mental illness causes us particular concern. How can programmes seeking to reduce the high rates of suicide in Ireland not be undermined by such a change in the law?

### **Safeguards**

23. The lack of adequate safeguards for vulnerable people within the legislation is a major impediment to the Bill achieving its stated aim.

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18 Adult Palliative Care Services Model of Care for Ireland: The National Clinical Programme for Palliative Care, Royal Physicians of Ireland. Published April 2019 PowerPoint Presentation ([hse.ie](http://hse.ie))

19 PowerPoint Presentation ([hse.ie](http://hse.ie)) (page 25)

- Suggested safeguards cannot be clearly defined in law, or at least have not been in other jurisdictions
- Without such safeguards there is real risk of abuse and coercion
- The monitoring of safeguards in jurisdictions with such legislation as the Bill proposes is weak and the Bill deals with the issue of safeguards without any detail
- Doctors are given responsibility within the Bill to ensure safeguards are adhered to, yet they are not equipped to carry out such work.

### **The key role of doctors within the Bill**

24. The Bill relies on the medical profession to both adjudicate and to facilitate PAE and PAS in Ireland. Yet the evidence is that the majority of doctors in Ireland do not want to participate in such work. With a majority of doctors refusing to engage, requests for PAS/PAE would have to be considered by a minority of referral doctors with no first-hand knowledge of applicants as patients. This is likely to add additional distress and concern to patients and families at a particularly sensitive time in their lives, the exact opposite of the peaceful and dignified end of life that the Bill seeks to support.
25. While the Bill makes some provision for conscientious objection, we would express concern that doing so would not lead to any detriment professionally, for example, in access to promotion opportunities. On the other hand, there do not appear to be any safeguards in place to protect the mental health and wellbeing of those doctors and medical professionals who will be involved at any stage of the process.

### **Question 8: Could the Bill, as drafted, have unintended policy consequences, if enacted?**

26. One of our significant concerns with the proposed Bill is the potential for unintended consequences. The legislation represents such a break from the medical and legal norms of centuries that it is impossible to identify all the potential impacts that could result from such a radical change in practice and understanding as to the nature and value of human life and death. We focus on three areas, summarised under the following headings:
- (a) Safeguarding
  - (b) Joint Jurisdiction risks
  - (c) Societal inclusivity and alienation
- (a) **Safeguarding**
27. No requirement for prognosis is specified, opening the Bill up to be used indiscriminately in a wide variety of chronic long-term conditions such as Parkinson's disease, Schizophrenia, Multiple Sclerosis or Diabetes.

The Bill defines ‘terminal illness’ as “*an incurable and progressive illness which cannot be reversed by treatment*” and from which the person “*is likely to die as a result of that illness or complications relating thereto*”. This lack of requirement for an estimation of life expectancy is different, for example, from Oregon’s PAS law, which requires not only a diagnosis of terminal illness but also a prognosis of six months or less.

28. The only stipulation regarding the doctors involved in the process is that they have to be registered. No additional training is required. The attending medical practitioner can be the doctor who makes the terminal diagnosis whilst also the proponent of instigating PAS /PAE. This is a major conflict of interest and poses real concerns. One can speculate that if Dr Harold Shipman, from Manchester, had been able to operate under the terms of this Bill his activities may have gone on unchecked for much longer.
29. While the legislation requires patients to be informed of alternatives, it fails to detail how this should be done. This omission could lead to people choosing to end their lives without awareness of all the options that exist to mitigate suffering. The Bill does not make clear what informing a patient about alternatives actually means nor who is responsible for the informing. The information conveyed by a palliative care professional may be very different from that provided by an ardent advocate of PAS/E.
30. The Bill requires the person to have “*a clear and settled intention to end his or her own life*” and that a doctor considering such a request needs to be “satisfied” that this is the case. The Bill is unclear as to what it means by this term and how the degree of settled intent will be adjudged. We anticipate that most of these assessments will be carried out by doctors unknown to the patient, undervaluing further the worth of this assessment of intent as an adequate safeguard measure.
31. The Bill does not require any form of mental health assessment. The 2018 Joint Committee Report (from the Justice Committee) raises the importance of ensuring: “*that persons requesting such assistance are not doing so out of compulsion or because their decision-making capacity is compromised by illness, anxiety or depression?*”<sup>20</sup>  
The Bill ignores this point.
32. The Bill does not require the explicit exploration of issues relating to possible coercion, which poses the question as to how effectively an unknown doctor could be at assessing whether coercion is taking place or not. The potential for the Bill to be used inappropriately in a society where elder abuse is a sad reality, where coercion is hard to identify, and where seeking an early death could be understood to be a kind act for one’s relatives cannot be ignored. The 2019 official report of the Oregon Health Authority stated that six out of ten of those who took

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20 [www.oregon.gov/oha/PH/PROVIDERPARTNERRESOURCES/EVALUATIONRESEARCH/DEATHWITHDIGNITYACT/Documents/year22.pdf](http://www.oregon.gov/oha/PH/PROVIDERPARTNERRESOURCES/EVALUATIONRESEARCH/DEATHWITHDIGNITYACT/Documents/year22.pdf)

their own lives with legally-supplied lethal drugs had stated that one of their concerns was being a “burden on family, friends/caregivers”.

**(b) Joint jurisdiction risks**

33. The Bill states, as one of its qualifying conditions for PAS/PAE, that an applicant must have been “*resident on the island of Ireland*” for at least a year. This would include the people from Northern Ireland where legally and professionally involvement in PAS and PAE could lead to imprisonment or being struck off the register to practice. This is likely to cause considerable confusion, legal uncertainty, stress and distress for both patients and professionals.
34. It also has the potential of causing some political tension if the legislation is seen as interfering in the care of patients in Northern Ireland where neither patients nor professionals have had their opinion sought around the need to provide support for families and patients choosing to travel across the border for PAS or PAE.

**(c) Societal inclusivity and alienation**

35. Modern Ireland prides itself on its inclusivity. However, historically minorities have not always been well tolerated. The Bill is likely to alienate a large minority of Irish society, including many Presbyterians, who disagree with such legislation because of firmly held ethical, religious and moral principles. While real alternatives to achieving the aim of the Bill exist which will not cause such alienation across our communities, could the Oireachtas not engage with these proven alternatives first to achieve the stated aim before proceeding with unproven changes to the current legal framework?

**Part B: Legal Analysis**

36. Moving to the Legal Analysis, for the reasons set out below we consider that the Bill does not sufficiently vindicate the rights of citizens and is fundamentally flawed.
37. Legislation cannot pass into law without being signed by the President. Having regard to the nature of this legislation it is very likely that the President, having consulted the Council of State, would refer the Bill to the Supreme Court for a determination as to its constitutionality. If the Supreme Court decides that any provision of the Bill is repugnant to the Constitution, then the President cannot sign the Bill and the Oireachtas must go back to the drawing board.
38. Where legislation is extremely vulnerable to a finding of unconstitutionality, as here, then very considerable scrutiny is appropriate. An analysis of the law as it stands suggests that there is little prospect of the constitutionality of the Bill being upheld.

**Question 15: Is the draft PMB compatible with the Constitution (including the ‘principles and policies’ test)?**

39. Article 40.3.1 Bunreacht na hÉireann provides:

*“The State guarantees in its laws to respect and, as far as practicable, by its laws to defend and vindicate the personal rights of the citizen.”*

Article 40.3.2 provides:

*“The State shall, in particular, by its laws protect as best it may from unjust attack, and in the case of injustice done, vindicate the life, person, good name, and property rights of every citizen.”*

40. Those provisions must be read in the context of the Constitution as a whole, McGee -v- Attorney General [1973] IESC2. The Constitution guarantees rights of general application for every citizen, not a limited class of persons, Fleming -v- Ireland [2013] IESC 19.

**Question 16: Is the draft PMB compatible with EU legislation and human rights legislation?**

41. Suicide is no longer a crime: s2(1) of the Criminal Law (Suicide) Act 1993, which provides that it is a crime to aid, abet, counsel or procure the suicide of another and that a prosecution may not be brought in that regard other than by or with the consent of the DPP. The decriminalisation of suicide under the 1993 Act did not, however, give rise to a constitutional right to end one’s life: *Fleming*. So, while there is a constitutionally protected right to life, there is no right to die, and there is a positive onus on the State to protect life. Article 2 of the ECHR has also been found not to confer any right to die: *Pretty -v- UK* (Application No. 2346/02).
42. The courts, in considering the precise issue sought to be addressed by the Bill, have expressed deep concerns as to the risks of abuse inherent in legislating for a right to die. As the Divisional Court stated in *Fleming -v- Ireland* [2013] IEHC 2,

*“The detailed evidence available to us demonstrates that the State has established an ample evidential basis to support the view that any relaxation of the ban would be impossible to tailor to individual cases and would be inimical to the public interest in protecting the most vulnerable members of society. The evidence from other countries shows that the risks of abuse are all too real and cannot be dismissed as speculative or distant. One real risk attending such liberalisation is that even with the most rigorous system of legislative checks and safeguards, it would be impossible to ensure that the aged, the disabled, the poor, the unwanted, the rejected, the lonely, the impulsive, the financially compromised and emotionally vulnerable would not avail of this option in order to avoid a sense of being a burden on their family and society. The safeguards built into any liberalised system would, furthermore,*

*be vulnerable to laxity and complacency and might well prove difficult or even impossible to police adequately (emphasis added)."*

43. The ECHR has also emphasised that the risks inherent in a system that facilitates access to assisted suicide "should not be underestimated" and that in such systems strict regulations are "all the more necessary", Haas -v- Switzerland (Application No. 31322/07).
44. *Fleming* suggests that no legislative scheme providing for PAS or PAE could pass constitutional muster in Ireland for the reasons expressed by the Divisional Court. Allowing, however, that on an interpretation of the Supreme Court judgment in *Fleming* it might be possible to legislate for PAS or PAE in a manner that sufficiently vindicated constitutional rights, is there any basis on which the Bill could conceivably meet the necessary standard of a most rigorous system of legislative checks and balances?
45. The Bill plainly does not meet this standard. It does not balance sufficiently the rights of all citizens – it leaves vulnerable members of our society open to abuse, duress or the weight of a perceived expectation that they will relieve others of the burden of caring for them; it contains no robust or sufficient safeguards. It does not meaningfully even acknowledge the inherent risks identified in *Fleming* and *Haas*, or sufficiently provide for such risks; and it cannot vindicate the right to life guaranteed under the Constitution.
46. The existing law is balanced and compassionate, providing as it does for discretion as to whether a person found to have aided, abetted, counselled or procured another's suicide should be prosecuted. By contrast, the Bill is contrary to public policy as clearly reflected in the Constitution and in decisions of the Courts interpreting its provisions.

**Question 17: Is there ambiguity in the drafting which could lead to the legislation not achieving its objectives and/or to case law down the line?**

47. In terms of the provisions of the Bill, it is poorly drafted, with defined terms lacking precision and thus open to either misconstruction or significant ambiguity. Different terms with similar meanings are used apparently interchangeably in the proposed legislation, in a way that would give rise to significant uncertainty and confusion.
48. By way of example, the term "healthcare professional" is so widely defined as to permit anyone styling him or herself as a healthcare professional to fall within the protections of the legislation, without any qualifications or accreditation. The term 'medical practitioner' is used, but not defined. The term 'doctor' is similarly used without any definition.
49. It is not possible to identify with any reasonable clarity what would constitute a terminal illness and the criteria applied to it are not

rigorous, as already identified above. For example, in some jurisdictions where PAS and PAE have been legislated for, depression has been found to constitute a sufficient basis for assisting the ending of life. The vagueness of the terminology here is likely to give rise to considerable uncertainty as to which medical conditions fall within the provisions.

50. Other examples of concern are that a qualifying person is to be “fully informed” of the palliative care options available but there is no requirement that he or she understand those options. The term “failing to make the decision” in Section 5(2) strongly reeks of duress or at least promotes an intolerance of indecision which may render the vulnerable even more vulnerable to the processes and supposed safeguards sought to be outlined.

### Conclusion

51. If the Oireachtas wishes to legislate for a regime of assisted suicide, then this Bill is not remotely an adequate means for any such fundamental legislative change. It is, in any event, impossible (as stated by the Divisional Court in Fleming) to protect the aged, the disabled, the poor, the unwanted, the rejected, the lonely, the impulsive, the financially compromised and emotionally vulnerable if legislating to permit assisted suicide, even with the most rigorous system of legislative checks and safeguards. The vulnerable in our society would be substantially at risk of abuse under the proposed regime.

52. As stated by the Divisional Court in Fleming,

*“The Court finds that the State has provided an ample evidential basis to support the view that any relaxation of the ban on assisted suicide would be impossible to tailor to individual cases and would be inimical to the public interest in protecting the most vulnerable members of society.*

*A further point of some importance is that if physicians were to be permitted to hasten the end of the terminally ill at the request of the patient by taking active steps for this purpose this would be to compromise – perhaps in a fundamental and far-reaching way – that which is rightly regarded as an essential ingredient of a civilised society committed to the protection of human life and human dignity. It might well send out a subliminal message to particular vulnerable groups – such as the disabled and the elderly – that in order to avoid consuming scarce resources in an era of shrinking public funds for health care, physician assisted suicide is a “normal” option which any rational patient faced with terminal or degenerative illness should seriously consider.”*

53. Accordingly, as submitted above, improving the care needs of those approaching the end of life consistently, to help them to live as well as possible to the end of their lives, ought to be the focus. The true measure of any society is how it treats its most vulnerable and the Bill would increase, not lessen, their vulnerability and on that ground alone should not proceed.

## APPENDIX D

### **Response of the Council for Public Affairs of the Presbyterian Church in Ireland to the Northern Ireland Executive Consultation on the Programme for Government: Draft Outcomes Framework**

**MARCH 2021**

#### **Background**

1. The Presbyterian Church in Ireland (PCI) has over 217,000 members belonging to 535 congregations across 19 Presbyteries throughout Ireland, north and south. The Council for Public Affairs is authorised by the General Assembly of the Presbyterian Church in Ireland to speak on behalf of PCI on matters of public policy. Through its Council for Social Witness, the Church seeks to deliver an effective social witness service on behalf of PCI and to the wider community, through the provision of residential care, nursing care, respite care and supported housing for vulnerable people including the elderly, those with disabilities and those transitioning from the criminal justice system. The Council for Global Mission helps to lift our gaze as a denomination from the island of Ireland to the work of developing mission overseas, and brings issues of global concern to the attention of the wider church, including those which have a local impact like multicultural relations and stewardship of creation.
2. PCI welcomes the opportunity to respond to the Programme for Government Draft Outcomes Framework and notes the encouragement to those responding to think about what they might bring to the PfG Outcomes [page 8], particularly in terms of delivery and developing innovative approaches. The past 12 months have demonstrated perhaps more than ever that no one sector, statutory, business, voluntary, community or faith can operate in isolation. It is only through our collective efforts that the desired outcomes to facilitate societal wellbeing can be realised, with an environment created in which all of us can flourish and reach our full potential.
3. While church buildings have been closed many congregations, across all denominations and none, have demonstrated their heart for responding practically to those in need, building on existing relationships with their local communities, or developing new ones through befriending opportunities, support for foodbanks, volunteering with community organisations, meal deliveries, and providing premises as vaccination centres. It is hoped that these collaborative relationships can continue as we all begin to emerge from the restrictions placed on us because of the pandemic, and learn to navigate a new normal. PCI is more than willing to engage as a significant partner in the delivery of Programme for Government outcomes through the use of premises, partnering in the delivery of services and providing personnel.

**General comments on the outcomes framework**

4. On the one hand, there is little that can be disagreed with regarding the proposed draft outcomes outlined in the consultation document. Each of the outcomes covering every aspect of life in Northern Ireland articulates an aspiration which everyone can support. However, without an overarching vision for society, or an agreed set of values, there is a danger that they will stand alone without fully realising the synergies and connections between each one. For example, in the realm of education while of course our children and young people must be trained and equipped to be active participants in the labour market, we must not also lose sight of the value of education as something which is more than simply market-led.
5. In 2016, PCI articulated its own vision for society as a *“more reconciled community at peace with each other, where friend and foe working together for the common good can experience healing [and the grace of our Lord Jesus Christ]”*.<sup>21</sup>
6. We recognise that these outcomes are necessarily “high level” with the detail to be worked out by Ministers in their respective departments, working across departments as necessary. Each outcome refers to a number of strategies, some of which are not yet published and are being developed, while others are coming to the end of their time period. It is vital that these strategies are not developed in isolation and that there is intentional engagement with other departments and sectors which may be impacted, or which may have a contribution to make. For example, historically the areas of health and education have not worked well together whether due to silos, budgetary constraints or other factors. However, to give our children and young people the best start in life and provide the conditions where everyone can reach their potential and enjoy long, healthy, active lives, there must be more intentional and constructive engagement between departments and their key stakeholders. Rather than perceiving other sectors or departments as competitors in the allocation of scarce resources, collaborative working can facilitate more efficient and effective actions in order to realise these outcomes.
7. Blockages or obstructions to delivery that exist within the system must also be identified and mitigated to allow these outcomes to be realised. For example, as a service provider for adult residential care we have experienced a discrepancy in approach not only between Trust areas but also within Trusts. Anecdotally, through our pastoral work we are aware that individual care can also vary between Trusts. Key priorities and outcomes must have resonance for every day lived experience.

**Specific comments on the draft outcomes**

8. Our children and young people have the best start in life
  - (a) We welcome the focus on capability and resilience, which is required at all levels of society. We would suggest that building on social, cultural and environmental awareness should include and be mindful of spiritual awareness.
  - (b) We note that there is only one brief mention of Special Educational Needs (SEN) under this outcome despite the large number of children and young people who are impacted and the significant financial resources involved, and recommend a greater focus here, particularly for those transitioning from formal educational pathways.
  - (c) Ensuring access to “fit for purpose schools” must mean that schools which have been on the list for refurbishment or redevelopment for many years are not overlooked when it comes to area planning.
  - (d) There is a clear need for wider and more comprehensive early years provision. Providing the necessary support and interventions early in life can have a positive impact and reduce the need for interventions at a later stage.
9. We live and work sustainably – protecting the environment
  - (a) The impacts of climate change and the responsibility to call for climate justice are global issues with local implications. The past year has caused us to appreciate and value our local green spaces in a new way, and our collective imagination has been sparked to consider what might be possible to ensure that these continue to be sustained and enhanced for the generations to come.
  - (b) We believe that we are all called to be stewards of creation and that our everyday actions, lifestyle choices and behaviours have an impact wider than just ourselves. We support priorities that further sustainable development, effective stewardship and which make the places where we live and work more positive environments.
  - (c) In pursuing this outcome, efforts should be made to avoid unintended consequences, for example, introducing a regime of building regulations which result in it being unaffordable to build a house.
10. We have an equal and inclusive society where everyone is valued and treated with respect
  - (a) We are concerned that issues of legacy remain unresolved, both in Northern Ireland, and with our neighbours in the rest of the United Kingdom and Republic of Ireland. The continued impasse over the issue of the victims’ payments scheme remains of grave concern to PCI.

- (b) Sectarianism, identity and legacy will always be contentious, and it would be naïve to suggest otherwise. However, acknowledging that they are difficult should not consequently mean that they are not addressed. Programmes and strategies like “Together: Building a United Community” go some way to making an impact, but much has been funded through additional monies into the NI budget, for example, as a result of the 2015 “Fresh Start Agreement” or from European funds.
  - (c) Resourcing this outcome from sustainable and recurrent funding provides a stability for the sectors involved and provides a stronger foundation for innovative approaches to tackling the issues arising as a legacy of the conflict, but also disadvantage and inequality in terms of welfare and poverty. Government should continue to collaborate with the voluntary, community and faith sectors in pursuing these outcomes.
  - (d) Promoting and protecting rights can only be of benefit to the people of Northern Ireland if an approach is found which seeks to build relationships across identities and communities rather than set them up in competition with each other. Respect reminds us of our inter-connectedness, and rights cannot be divorced from our relationships, and our responsibilities within those relationships. An overarching vision for society in Northern Ireland, or shared values, would provide a strong foundation from which this outcome could develop.
11. We all enjoy long, healthy, active lives
- (a) The number of strategies detailed at the end of this outcome demonstrate the widespread nature of this outcome, which encompasses us all from our first to final breath. The first priority area is described as “Access to Health” and this perhaps could be changed to “Access to Healthcare”. We do not underestimate the current challenges faced by the health and social care sector in Northern Ireland, and wish to commend them for their work and activities which have often gone above and beyond the call of duty in response to the global pandemic.
  - (b) Reform of health and social care must be transparent, properly resourced and well-communicated. Many of the reports which have already been undertaken in this regard have not yet been implemented and, rather than undertaking new reviews and initiatives, perhaps these could be revisited and their recommendations re-evaluated in light of how services have changed over the past 12 months.
  - (c) We welcome the focus on mental health and wellbeing and recommend that prevention is prioritised alongside early intervention. Partnership with the community, voluntary and faith sectors is vital in this regard, including finding ways of empowering and equipping people to promote mental health and wellbeing in their own spheres of influence.

12. Everyone can reach their potential
  - (a) We welcome the inclusion of capability and resilience in this outcome as these skills are just as important once we leave formal education and into adult life, as they are for our children and young people. Again, the past year has reminded us that life can be uncertain, building capacity and resilience amongst the population to better cope when life becomes difficult is a positive preventative measure. There is huge potential for churches to be able to play a part in this, especially in the context of engaging with parents whose children attend youth organisations and events, or older people who can access lunch clubs and other groups.
  - (b) While we agree that young people must be equipped to engage effectively with the labour market and have the right skills to meet demand, we would suggest that it is important not to lose sight of the view that education has a higher value than simply being labour market-led. Encouraging intellectual development also has wider societal benefits.
13. Everyone feels safe – we all respect the law and each other
  - (a) We reiterate our concern about the unresolved issues of legacy and the impact that legacy continues to have in communities across Northern Ireland, both rural and urban. Legacy exists, not only in unresolved crimes and quests for truth and justice, but also in the continued hold that paramilitary activity has on local communities, not least in continued incidences of intimidation and so-called “punishment attacks”.
14. We have a caring society that supports people throughout their lives
  - (a) The response to the pandemic has demonstrated that as a society overall we are prepared to do what it takes to care for those who need our collective support. However, our lived experience of the pandemic has also highlighted the fact that our individual circumstances have a significant bearing on our ability to cope with the challenges of everyday life.
  - (b) PCI welcomes the key priority area which will highlight the improvement of quality of life for those of us with disabilities. However, this covers a broad spectrum from those disabilities that are visible, to those that are unseen; inclusive of physical, learning, sensory or mental health disabilities. While accepting that this is a high-level document, there is a danger that over-generalisation can mask opportunities to make a real and significant difference to the lives of many.
  - (c) PCI also believes that a caring society will intentionally protect people through all stages of their lives including good end of life care, and recommends that this is included as a priority area for this identified outcome. Access to good, well-resourced palliative care affords dignity to those reaching the ending of their lives

and provides necessary support to their families. Many of the organisations which provide this care outside of formal healthcare settings rely on philanthropic and charitable donations to sustain their operations. PCI therefore echoes the calls from others for a greater focus on palliative and end of life care within the PfG outcomes framework, which would be adequately resourced.

- (d) In addressing social issues such as social isolation and loneliness, PCI recommends greater collaboration between government departments, statutory agencies and organisations in the voluntary, community and faith sectors, utilising and building on existing social networks.

Rev DANIEL KANE, Convener, Council for Public Affairs

Rev TREVOR D GRIBBEN, Clerk of the General Assembly