

prolife
campaign

Pro Life Campaign submission on the Draft Code of Professional Conduct and Ethics for Registered Nurses and Registered Midwives

October 1st, 2024



Introduction



The Pro Life Campaign is a human rights organisation committed to defending the right to life at all stages, from conception to natural death. We also campaign for resources to support and assist pregnant women and those in need of healing after abortion.

In the course of our work in encouraging the advancement of human rights in Ireland, we have sought at all times to ensure that the dignity and inherent worth of every human being is recognised and defended, regardless of age, creed, ability or social standing. We have been at the forefront in contributing to the debate on right to life issues for over 30 years and draw on this experience in offering our thoughts and recommendations to the public consultation you have initiated concerning the Draft Code of Professional Conduct and Ethics for Registered Nurses and Registered Midwives.

Observations and Recommendations

In keeping with the first principles of sound healthcare and time honoured practice, the draft code obliges all registered nurses and midwives to “make every valid or reasonable effort to protect the life and health of pregnant women and their unborn baby.”

In the very same sentence, however, in what can only be construed as a total contradiction, the code states that nurses and midwives “must” demonstrate “respect” for the new life-ending abortion regime in Ireland.

The draft code does not elaborate on what showing “respect” for the new law might entail but it could reasonably be read as introducing a basis for fitness to practise complaints against nurses or midwives who refuse on conscientious grounds to assist or facilitate abortions taking place.

Freedom of conscience, it should be stated, is an essential human right. Conscientious objection flows directly from that right - refusal to participate in any activity that a person considers incompatible with his/her religious, moral, philosophical or ethical beliefs.

The right to Conscientious Objection is largely recognised in European and International Human Rights Law. For example, Article 18(1) of the International Protocol on Civil and Political Rights states that: “Everyone shall have the right to freedom of thought, conscience and religion.”

The UN Human Rights Committee has commented that: “this provision cannot be derogated from, even in time of public emergency.”

¹ See Jim Murdoch, Freedom of thought, conscience and religion (Council of Europe 2007)

Freedom of conscience is an inalienable human right. No nurse, midwife or healthcare worker should ever be forced to go against their conscience, to ignore their professional and clinical judgement or to mislead or lie to their patients by pretending they believe that abortion is a medical treatment when they wholeheartedly know it not to be the case. The Code of Professional Conduct and Ethics for Registered Nurses and Registered Midwives needs to be revised urgently to restore proper freedom of conscience protections and adherence to evidence based medicine.

Any revision of the Code needs to ensure that no obligation is placed on conscientious objectors to engage in abortion assistance or referral. Forcing nurses and midwives opposed to abortion to assist in the procedure being carried out or in arranging for an abortion to be carried out by a colleague is not respecting freedom of conscience. There is no ethical difference between helping perform the abortion oneself and arranging for someone else to carry it out. The result of both is the same – an unborn baby loses its life. The Nursing and Midwifery Board of Ireland (NMBI) has a duty to protect its members from becoming facilitators of abortion, and to fulfil this responsibility the latest draft Code needs to be amended.

The definition of abortion in the 2018 law passed by the Dáil is a “procedure intended to end the life of the foetus”. There is nothing about medicine or healthcare in the definition. The intent of what the law provides for could not be clearer. Its sole purpose is life ending, not saving it. The Nursing and Midwifery Board of Ireland (NMBI) as a body charged with setting ethical standards should clearly and cogently explain in its code the ethical differences between evidence-based life-saving interventions in pregnancy and induced abortion, where the only intent is to end a human life. While the new abortion law permits abortion and ignores the rights of unborn babies, there is nothing stopping the NMBI from acknowledging the “two-patient” model of care and the principles which underpin it.

In the new draft Code where it states that nurses and midwives “must” show “respect” for the new abortion law, it signals a total disdain for the right to life of unborn babies throughout every stage of pregnancy. But in addition to that, it displays a complete disregard for the numerous peer-reviewed studies highlighting the adverse effects of abortion on women’s health. If this entire section is not satisfactorily amended, The Nursing and Midwifery Board of Ireland will have an inescapable responsibility to furnish all registered nurses and midwives with a detailed explanation on why the NMBI is abandoning evidence based medicine and de facto replacing it with State medicine. It is not overblown to make this observation, but instead such an explanation would be the logical follow-on in the event of such a radical and far-reaching change being made to the Code.

In conclusion, the primary mark of a mature, pluralistic democracy is that individual citizens’ freedom of conscience is respected. In particular, genuinely pluralistic democracies do not force citizens to do something they regard as utterly unconscionable by threatening them with unjust and discriminatory sanctions if they honour their conscience.

² See: David M Fergusson, L John Horwood, Joseph M Boden, ‘Abortion and mental health disorders: evidence from a 30-year longitudinal study’, *Br J Psychiatry*. 2008 Dec;193(6):444-51. doi: 10.1192/bjp.bp.108.056499

We call on you as a body to acknowledge in the new Code the “two-patient” model of care and the principles which underpin it, and to explicitly enshrine proper freedom of conscience protections for nurses and midwives from having to assist or facilitate in abortions taking place.



Contact Us



Website

prolifecampaign.ie



Phone

01-662 9275



Address

40 Mount Street Upper, Dublin 2
