



SOCIAL POLICY COMMISSION 18/19

Meeting #7
University of Malta, Take Off Building
10th December 2018, 17:00

MINUTES

Petra Grech (KPS Commissioner):

- 1) Approval of the agenda - *Approved nem con*
- 2) Approval of minutes – *Approved nem con*

Petra Grech (KPS Commissioner): With regards to upcoming events, we have the KSU Grad Ball '18 on the 12th of December. We are selling the last few tickets if you would like to attend. There is also Christmas on Campus during the week and some student organisations have already started organising events. The KSU Car Treasure Hunt was meant to take place this month. However, due to logistical issues, it had to be postponed.

Petra Grech (KPS Commissioner): Starting off with today's topic, we would like to inform you that we had a consultation session last week wherein we discussed abortion. No vote was taken in the said session. The first thing that was dealt with was that medical and surgical abortion are to be distinguished. When it comes to medical abortion, the mother is given a pill whereby after 20-48 hours, it helps the abortion start off. It is also given at home so technically a patient can abort at home. It depends where you are and where the abortion is taking place. With surgical abortion, it depends on the age. It is a 5-10-minute procedure. The mother is given a general anesthetic. Some patients are also given a drug in medical abortion to help. Plastic vacuum is used to essentially suck the tissue. Beyond the 13th week of gestation, using a special distillator as well as using water is more effective. What is done is that the fluid is sucked and then, forceps are used to remove any pieces left. Closer to the 24th week of gestation, certain centres cause infanticide and kill the baby first. Moreover, it was also held that abortion is generally safe for the mother when controlled and when uncontrolled it is deemed to be unsafe. A few side effects that may take place are excessive bleeding etc. When it comes to surgical abortion, another risk that may take place is that the womb ruptures and thus, it is deemed to be riskier than medical abortion. Furthermore, putting instruments inside can possibly cause damage to the cervix. Lastly, there is an increased risk in having premature births in the future (very small but still existent). Apart from the physical repercussions, there are also psychological and social effects pertaining to this. This was the medical perspective. According to the panelist who is pro-life, there is immediate hormonal change which the woman notices at once. The victims of abortion are not only the mother but also the family as well as the whole of society. With regards to some other general comments that were mentioned during the consultation session, the following points were mentioned:



- In the UK the majority of aborted babies are generally disabled children unfortunately.
- When you enforce a legal structure to a medical procedure, this gives women a safe environment for the procedure to take place. Legal makes it safe and thus, might as well make it legal because it is going to happen anyway.
- Malta is the only country in the EU which does not allow therapeutic abortion.
- There should be a legal structure for therapeutic abortion.
- People do not wake up in the morning saying that they want to abort. They find themselves in situations where it would be beneficial where it would be more beneficial for the child to be aborted rather than brought to life.
- In fact, we need to focus on decriminalization rather than legalization.
- One needs to bear in mind that it is not only about abortion, but we also have to look into women's rights and baby's rights whereby if we are going to be decriminalizing it, there will always be lacunae and problems. Before decriminalising, we need people to be aware of what they are doing and what should and should not be done.
- The value of life has intrinsic value. Thus, who are we to decide when the child should live and when he/she should die?
- There is a psychological trauma pertaining to abortion but there is also a psychological trauma when it comes to adoption, especially when you meet up with your biological parents.
- When the law says that it is illegal, there is also a time aspect pertaining to this - time to grasp what they have in their body, time for counselling, etc. In a state of panic, they would not know what to do but after counselling for instance, they would have a better idea as to what they can do.
- If abortion were to be decriminalised, we need not have to perform it in Malta but at least we can help relieve the stigma on it.

Moreover, Prof Pierre Mallia could not make it to the consultation session. However, he provided us with some information from his end which is related to bioethics and abortion:

- From a purely biological point of view life begins with the fertilization of the first cell.
- From a moral point of view, it would be reasonable to associate the same; however, many concede that the moral value starts when there is a form or a primitive brain. This remains a point of contention and will therefore always be relative or subjective.
- Religions have a right to guide their followers on their respective moral positions. In this regard the Muslim community agrees that up to 21 days, the fetus can be aborted in special circumstances. In the Catholic religion this remains illicit and any person who agrees with abortion automatically excommunicates himself or herself according to the Catechism.
- It is only within the concept of the principle of double effect where the harm to the fetus (be it physical harm or death) is foreseen but indirect and unintended. This is usually applied to ectopic pregnancies, removal of a pathological uterus (usually cancer), or chemotherapy.
- Up till now no moral provision is available within the Catholic tradition when the fetus causes harm to the mother. The problem is defining harm – be it life-threatening, a medical issue or even a broader biopsychosocial issue.



- Certainly, when death is a threat, as happened in the case of Ireland, then one should allow the mother to have a choice, especially in cases in which it is known that the fetus will die.
- Other contentions with abortion are whether one should allow abortions for disabled or defective foetuses. Again, this is a point of contention.

This is a very sensitive topic and hence we would like to emphasise that last week's consultation session was solely an informative one and no decisions were taken. Abortion deserves more than simply one meeting and hence it merits public discourse. We need to ensure that everyone is properly informed prior to issuing a stance on behalf of the students. We would like to organise a public consultation session with experienced panellists so that you can formulate an informed opinion. We would also like to make use of social media to emphasise the matter and to give it the importance it deserves. We have also prepared a few questions to be discussed during today's KPS meeting, which are aimed at helping you think about your opinion on the matter. We will now be splitting you up into four groups.

Splitting up into four groups

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Petra Grech (KPS Commissioner): We can start with the first question, which is:

“How dangerous do you think abortion is?”

Benjamin Charles Cassar (JEF Malta): We tried to tackle it from different aspects. When it comes to health, especially for the mother, it is not really dangerous for the mother and there are operations that are more dangerous. In reality, it is dangerous, but it is not the worst. In Malta, due to the stigma that there is, it is psychologically dangerous for the mother. If the mother seeks help from a psychologist after opting for abortion, then the psychological damage can be diminished. This stigma also causes a social danger as those who resort to abortion face the fear of being judged for their actions. With regards to society as a whole, we do not think that it is dangerous. Needless to say, abortion is dangerous for the potential life.

Jessica Darmanin (MMSA): I would like to point out that, as the gestational age increases, complications increase so it will become more dangerous. If a proper system were to be implemented, it would not be as dangerous as it would be done illegally. It would be more dangerous if it is being done illegally. Safe access to abortion is more important to minimise danger.

Edward Attard Selvagi (S-Cubed): You made reference to the phrase “potential life” rather than life. As we all know, there are different opinions on when life begins. What is your take on that?

Daniel Cassar (JEF Malta): Is there any particular reason why life should be seen as something other than personhood? Life can be anything. I personally think that personhood should not be disregarded.



Abigail Galea (ALLT): How would you define personhood?

Daniel Cassar (JEF Malta): I would think on rational standards because there is no set definition. I would leave it up to the mother to decide.

Luanne Grima (Betapsi): If I am to decide when another person is a person, wouldn't that justify murder? I do not think that personhood is that subjective. There should be some kind of standard when personhood starts.

Petra Grech (KPS Commissioner): We should move on to the next question because we are delving into a lot of detail.

Petra Grech (KPS Commissioner): We can move on to the second question, which is:

“Should abortion be made legal? Why or why not?”

Daniel Cassar (JEF Malta): In our group, we agreed that abortion should be decriminalised. We also delved into the 10-week cut-off point and also mentioned the different types of abortions, and we came to the conclusion that the abortive pill is the safest one.

Abigail Galea (ALLT): Would an individual of 10 weeks be considered as an individual since we made that cut-off point?

Kayleigh Cassar (The Third Eye): I think it is very subjective because, although there is a cut-off point, different people have different opinions on the matter. Hence, it is very subjective.

Daniel Cassar (JEF Malta): I think a distinction is to be drawn between an individual and a person. Individuality is all about genetic makeup. It would not convey personhood. We also have to keep in mind the legal fact that we decide what constitutes a person and what does not.

Petra Grech (KPS Commissioner): We can move on to the third question, which is:

“Do you think abortion should be made legal in all situations such as in situations of rape, disability, those with complications, the foetus would be causing harm to the mother etc?”

Edward Attard Selvagi (S-Cubed): We unanimously came to the conclusion that in the case of mother's life, we have to weigh the lives out. We would allow abortion to save the life of the mother. One is an individual and the other has not been born yet. Where disability is involved, we felt that it was a very grey area. For example, blindness is not a full disability and you can still carry on life as normal. Rape was also a grey area. With this being said, we did not come to a conclusion, but discussions were still in the air.

Petra Grech (KPS Commissioner): You mentioned case by case basis, who do you think will be the entity to vet such cases?



Edward Attard Selvagi (S-Cubed): We do not know who has the right to decide.

Alex Esposito (MMSA): As the law stands locally, there is the double effect. The treatment needs to be there to save the mother's life.

Jessica Darmanin (MMSA): In certain cases, they are allowed to abort because otherwise the mother would die.

Petra Grech (KPS Commissioner): Should there be a legal structure in that aspect?

Edward Attard Selvagi (S-Cubed): Whether it is legalised or not, it is still going to be used. Hence, I would rather have it under a legal structure for the purpose of protection.

Petra Grech (KPS Commissioner): We can move on to the final question, which is:

“Do you think that by making abortion illegal in Malta, does that really deter people from performing it?”

Mireille Caruana (DESA): We do not think that making this illegal would deter it. The average of Maltese citizens performing it is quite close to that of the EU. It is not that different as Maltese people still go abroad to do it. What illegality is doing is basically that those who cannot afford to pay for such a procedure, will not be able to perform the abortion.

Jessica Darmanin (MMSA): When we were discussing, we noted that 300-400 people are performing abortions so when you compare that to the number of abortions per year you realise that it amounts to 10%, which is quite a high percentage.

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Jake Scerri (SDM): Are the estimates correct?

Jessica Darmanin (MMSA): The media came up with them.

Petra Grech (KPS Commissioner): Such statistics do suffice as they were also mentioned in the consultation session. With this being said, we must not forget that clandestine abortions are not put on record. Hence, the estimate is simply a rough estimate.

Daniel Cassar (JEF Malta): Many of those who want to perform abortion do not have enough money to do so.

Jake Scerri (SDM): Is it costly?

Petra Grech (KPS Commissioner): Depends on the circumstances. As an operation itself, from what we have gathered it is quite costly.



Michela Cutajar (Insite): It costs more or less 800EUR depending on the stage reached.

Petra Grech (KPS Commissioner): Apart from that, you mentioned your personal points of view rather than your organisation's point of view. We would like to stress the importance of consulting with your organisation prior to giving your position. Make sure you discuss with your organisation so that when we come to take the organisation's point of view, we take the position of the organisation.

Karl Baldacchino (MIRSA): I do not know which stage we are at on a legal level. Could someone clarify this matter please?

Daniel Cassar (JEF Malta): If you are pro-life, we are doing fantastically well. However, if you are pro-choice, the current legal situation is terrible. Legally, with the recent change in Irish law, we are the worst Member State in EU.

Celine Cuschieri Debono (GhSL): The starting point towards addressing the situation is putting what happens in practice at par with the legal scenario. There is a difference between what the law states and what is put into practice.

Alex Esposito (MMSA): There is a particular treatment where the medical practitioners are treating the mother with something that can kill the child, so they are not directly aborting the child. Hence, the medical practitioner would still be abiding by the law.

Benjamin Charles Cassar (JEF Malta): It is definitely not a loophole. It can happen only if the mother is extremely ill.

Celine Cuschieri Debono (GhSL): It is not a loophole but an extreme situation. The consequence of those acts is the foetuses being aborted. There is a difference between the categorical ban that is happening in our Criminal Code and what is done in practice.

Daniel Cassar (JEF Malta): Although your legal reasoning is sound, there is no legal protection for the medical practitioner. Probably, because of the way the law is interpreted, he would not be in prison but there is no actual protection for the medical practitioner. It is understood to be legal only through jurisprudence. There is no actual legal provision protecting the medical practitioner. Everybody believes that it is so. What Ireland have managed to achieve, we do out of custom and it is not found in law.

Celine Cuschieri Debono (GhSL): In fact, custom is not guaranteed and it can change. There is no protection for the medical practitioner.

Mireille Caruana (DESA): Since this practice is indirect and not with intent, would it still be seen as abortion rather than miscarriage?



Alex Esposito (MMSA): We are still unsure as this is a grey area. With regards to the claim that we should have laws to protect medical practitioners, looking at it from a pessimistic point of view, you are drawing attention to an issue which is currently not the most pertinent issue.

Kayleigh Cassar (The third Eye): If a pro-life judge takes the case, could the medical practitioner still be sentenced?

Celine Cuschieri Debono (GhSL): Since in Malta judges are not bound by the case law of previous judges, then they need not follow along the same lines.

MPSA left

Daniel Cassar (JEF Malta): According to the EU, Maltese law does not provide for it. By the letter of the law, a doctor does not have enough protection. This shows that there is enough protection as it stands. However, legally speaking we are the worst at the moment as there is no protection.

Jessica Darmanin (MMSA): I would like to point out something related to the point mentioned earlier that we cannot forget to consult with the rest of our executive board to get a representative stance. In our case, the opinions I have given were personal opinions. As a board, we have discussed means on how to get a representative stance. I think it is ideal for all organisations to do something on the matter.

William Farrugia (KSU Secretary General): From the legal perspective, it has not been brought up. The intention is never to abort the child, but this may be a side effect. Technically, it is not imprudence, carelessness, or malice, so it is difficult to bring the case on such criteria.

GhSL left

Alex Esposito (MMSA): With such an issue you will never get a truly clear picture of all the students stance on such an issue, so it is a bit of a difficult issue to tackle. The ideal way is to have a campus referendum on the matter so as to gather the opinion of all University students in general, if not another way the policy can be approached is by presenting scientific argument both for and against abortion and allowing it to be for the reader to interpret

Daniel Cassar (JEF Malta): I would prefer having a statistical analysis through the means of a survey rather than having a campus referendum.

Alex Esposito (MMSA): In such a case an accurate random sampling method must be used, and it could give us a possible picture of the situation, technically it's still not all the students opinion.



Petra Grech (KPS Commissioner): That is the whole point of the second KPS meeting because we aim at issuing a survey. What we can do is present the findings to the student organisations, and then we can take a decision based on a good representation of the students.

Julian Demicoli (ICTSA): On the issue of surveys, will the questions be shown to us before the survey is issued?

Petra Grech (KPS Commissioner): We will present the findings in the next KPS meeting and we will discuss further. Hence, the questions will be shown before the survey is issued. When it comes to calculating the information collected, we will be asking Prof Liberato Camilleri to help us be as precise as possible on the matter. We could also ask open ended questions in the survey. We will now be moving on to a final vote. Do you think that we should hold another KPS meeting on the matter, after which a public consultation would be made available for all University students?

Approved nem con

Petra Grech (KPS Commissioner): Do you agree that a survey should be conducted with the help of experts so that it is statistically significant?

Alexander Sammut (Pulse): How would the survey take place?

Michela Cutajar (Insite): We would prefer having a discussion before issuing the survey.

Petra Grech (KPS Commissioner): Noted. So, we will first be sending you the questions that are going to be used for the survey, then we will be organising a public consultation session, after which another KPS meeting on the matter will be held. Then, a survey will be issued to all University students, and a third KPS meeting will be held on the matter to discuss the findings.

(GHMU): If we're going to hold a meeting on how this survey is going to be structured, 2 experts in the field need to be present to give their expert opinion on the matter.

Petra Grech (KPS Commissioner): Prof Liberato Camilleri can come and can help us formulate the questions that are going to be asked in the survey.

Jessica Darmanin (MMSA): I would like to pass a small suggestion. I think it would be beneficial for us to include which faculty the respondent is coming from.

Petra Grech (KPS Commissioner): Noted. We will now move on to take a vote on having a survey on the matter and on having a second meeting where an expert will explain certain limitations in conducting such a survey.

Approved nem con



Petra Grech (KPS Commissioner): After that, a policy paper will be drafted. Do you think that there should be a group of people working on the matter or should be left in our hands?

Alex Esposito (MMSA): It should be discussed later on.

Petra Grech (KPS Commissioner): Noted. Do you agree that a third meeting should be held on the matter? We should take a vote on this.

Approved nem con

Petra Grech (KPS Commissioner): Carly Zarb from TDM would like to add a point on a different matter.

Carly Zarb (TDM 2000 Malta): On Sunday, we are organising Torre Della Musica and the reason why we are promoting it is because we will be collecting funds for our project with Special Olympics Malta. The funds collected will be given to them to cover for flight tickets and sportswear for their event in 2019. The ticket costs either €12 (wine or beer) or €17 (wine and beer). Contact me if you need tickets.

Petra Grech (KPS Commissioner): Tomorrow, there will be the launch for Christmas on Campus. Hence, we would appreciate if you could wear a red sweater or a Christmas sweater for tomorrow's launch.

Meeting adjourned – 18:57