



Reproductive Rights

Ireland continues to have one of the most restrictive regimes in the world in relation to accessing safe and legal abortion services for women and girls. Ireland rejected a number of recommendations at UPR 1, which called on the State to introduce legislation to legalise abortion services in Ireland. Notwithstanding that, the Protection of Life During Pregnancy Act 2013 implemented the European Court of Human Rights judgment in *A, B and C v Ireland*, insofar as it permits access to abortion where a woman's life is at risk.

The vast majority of pregnant women who decide to end a pregnancy—at least 3,700 each year—must travel to other states to access safe and legal abortion services. Not all women can travel: women living in poverty, asylum seekers and undocumented women experience particular barriers to accessing funds and/or obtaining travel documents to leave and re-enter the state. Women who decide to end a pregnancy for health reasons, including when severe foetal anomalies are detected, find themselves excluded from the mainstream health system and must self-refer to services abroad. Such cases frequently involve more complex treatment, and incur higher costs. The state does not reimburse women for these costs.

Recommendations

Repeal Article 40.3.3 of the Irish Constitution

Decriminalise abortion by repealing sections 22 and 23 of the PLDA 2013

Repeal the Abortion Information Act 1995

Provide a human rights compliant framework for abortion, in law and in practice

Facts and Figures

Every international human rights body that has reviewed Ireland, including the UN Committee Against Torture (CAT) in 2011, and the UN Committee on the Elimination of All Forms of Discrimination Against Women (CEDAW) in 2005, has been critical of Ireland's very restrictive abortion laws.

Since 2014, three UN Treaty Monitoring Bodies—the UN Committee on the Rights of the Child (CRC), the UN Committee on Economic Social and Cultural Rights (CESCR) and the UN Human Rights Committee (HRC) have all called for legislative and constitutional change to bring Ireland's laws into compliance with human rights requirements.

The denial of care by the health services and the stigma that is associated with the criminalisation of abortion exacerbate the financial, psychological and physical hardships that women who leave the state to access abortion services experience.

Article 40.3.3 of the Constitution equates the existence of a foetus with the right to life of a pregnant woman.

In cases of conflict with foetal existence, doctors are prevented from making clinical decisions in the best interests of safeguarding a woman's health or dignity.

Despite the recommendations of international human rights bodies and the World Health Organisation, the Protection of Life During Pregnancy Act re-criminalises abortion, imposing a maximum penalty of 14 years imprisonment.

The provision on information regarding abortion is strictly regulated and criminalised in certain circumstances by the Abortion Information Act 1995.

About Your Rights. Right Now

Your Rights. Right Now is a coalition of 17 Irish NGOs, trade unions and civil society groups established by the Irish Council for Civil Liberties (ICCL) in 2010 to coordinate the civil society response to Ireland's first examination under the Universal Periodic Review. This group was re-convened in 2015 in advance of Ireland's second examination. The coalition conducted a number of general and thematic consultations and invited written submissions to inform its report which was submitted to the UN in September 2015.

Members of the coalition are:

- Age Action
- Educate Together
- Free Legal Advice Centres
- Gay and Lesbian Equality Network
- Immigrant Council of Ireland
- Irish Congress of Trade Unions
- Irish Council for Civil Liberties
- Irish Family Planning Association
- Irish Penal Reform Trust
- Irish Traveller Movement
- Mercy Law Resource Centre
- NUI Galway, Centre for Disability Law and Policy
- Pavee Point Traveller and Roma Centre
- Transgender Equality Network Ireland
- Union of Students in Ireland
- Disability Federation of Ireland

For more information see www.rightsnow.ie

Update in Government Report

"The Protection of Life During Pregnancy Act 2013 regulates access to lawful termination of pregnancy where there is a real and substantial risk to the life of a woman as a result of her pregnancy. The Act commenced on 1 January 2014 and the Guidance Document on the implementation of the Act was published later that year.

*The Committee of Ministers of the Council of Europe were satisfied that the Government has given effect to the ruling in *A, B and C v Ireland* by introducing the Protection of Life During Pregnancy Act 2013, related regulations and guidance document. The Committee of Ministers closed the case on 4 December 2014.*

26 terminations were carried out under the Act in 2014. 14 of these arose from a risk to the life of the mother arising from physical illness, 9 from a risk to the life of the mother from emergencies from physical illness, and 3 arose from a risk to the life of the mother from suicide ideation." [para. 30-33]
