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EXECUTIVE SUMMARY

The right to life is the most fundamental right, and without it other rights become meaningless. For every human being, life begins at conception.

- On December 10, 1948 the General Assembly of the United Nations adopted and proclaimed the Universal Declaration of Human Rights, of which

Article 3 states: Everyone has the right to life, liberty and security of person.

Article 16 (3) states: The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

- The Preamble of the Convention on the Rights of the Child 12 December 1989 recognises that "the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth."

- The 1959 Declaration of the Rights of the Child drafted by the UN Commission on Human Rights states (Principle 4) that a child shall be entitled to grow and develop in health; to this end, special care and protection shall be provided both to him and to his mother, including adequate pre-natal and post-natal care.

This commitment not only protects the interests of children, it also recognizes the pre-natal child as an independent right-holder.

The wilful destruction of the child in utero or experimentation on the pre-implanted embryo whether through human cloning, embryonic stem cell research, human embryo transfer or genetic manipulation violate the right to life and the protections which should be afforded all human beings under the above documents.

BACKGROUND AND FRAMEWORK

Our Lady of Guadalupe Life Movement is an initiative of people in Co Mayo, Ireland, that works to ensure legislation, policy and practice which defends life and opposes abortion, human embryo destruction, voluntary or involuntary euthanasia in this country and beyond. We work to correct error, misinformation and untruth in the public domain regarding the right to life, to prevent (for example) the term 'sexual and reproductive health' being interpreted as conferring a right to abortion, or the life or health of a mother ever demanding that the life of her child be deliberately terminated. We make available referenced briefing material and liaise with other like minded groups around Ireland. We are part of an all Ireland network committed to ensure that all human life will remain protected from conception to natural death.

II. PROMOTION AND PROTECTION OF HUMAN RIGHTS ON THE GROUND

Article 3 of the Universal Declaration of Human Rights recognises the right to life of every Person.

The 1959 Declaration of the Rights of the Child commits States to ensure appropriate pre-natal and postnatal health care for mothers.

The Irish Constitution recognises the right to life of the unborn child in Article 40.3.3 which states: The State acknowledges the right to life of the unborn and, with due regard to the equal right to life of the mother, guarantees in its laws to respect, and, as far as practicable, by its laws to defend and vindicate that right.

In three referenda (1983, 1992 and 2002) the Irish people have consistently voted to protect life from conception.

Therefore we submit that all International bodies and our Irish government and courts recognize and respect the will of the Irish people in this aspect of self determination.

COOPERATION WITH HUMAN RIGHTS MECHANISMS

Ireland through its adherence to the principles of the Universal Declaration of Human Rights in protecting the most vulnerable and voiceless of its citizens has shown the utmost co-operation with human rights mechanisms. However the persistent threat to this position from other jurisdictions is inexcusable.

In January 2010 Human Rights Watch criticised what it called Ireland's 'restrictive abortion laws' and in December 2010 the European Court of Human Rights, ruled in the ABC v Ireland case that a woman's right to

privacy had been violated because she could not have access to legal abortion in this country. However, the European Court also stated that there is "no human right to abortion" stemming from the European Convention and that the Irish Constitution's prohibition of abortion respected the provisions of the European Convention on Human Rights.

IMPLEMENTATION OF INTERNATIONAL HUMAN RIGHTS OBLIGATIONS

The Irish government needs to ensure that to ensure that constitutional protection for all unborn children is maintained in accordance with the wishes of the citizens of the country. The recent statement by the ECHR, although not binding on Ireland in any way reflects the unsatisfactory and dangerous situation that has prevailed since the flawed X-case ruling. This with another flawed rulings (ref Roche v Roche) where it was deemed the intention of the Irish electorate in a previous referendum was not to protect the embryo outside the womb.

There is an obligation on the Irish government now to allow these issues to be clarified in the only way possible for a democratic nation, by a referendum of the people. On a broader note, but still connected to the right to life of the unborn, Ireland because of its recognized safety for both expectant mother and baby (United Nations' Maternal Mortality /WHO reports) is adhering to the International Covenant on Civil and Political Rights 1966 (ICCPR) which reiterates the recognition of the "inherent dignity of the human person", and that "every human being has the inherent right to life." Article 6(5) states that: "the sentence of death shall not be imposed for crimes committed by persons below eighteen years of age and shall not be carried out on pregnant women." This is clearly showing that the child in the womb is recognised and is deserving of protection.

RECOMMENDATIONS

- The right of the Irish nation to decide its own laws must be upheld.
- The Irish government must allow provide for the protection of life from conception to natural death.
- Funding should be allocated to pro-life advocacy groups and taxpayers money and charitable status should be withdrawn from pro-abortion lobby groups.