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Written statement* submitted by the International Planned Parenthood Federation, a non-governmental organization in general consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[13 February 2012]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

Violations of women's reproductive human rights in Ireland**

The Irish Family Planning Association¹ welcomes the positive interaction by Ireland with the UPR Working Group on 6 and 10 October 2011. We commend the Minister for Justice, Equality and Defence, Mr Alan Shatter TD, for his unequivocal declaration that, “on the question of human rights, there was no room for moral relativism or selectivity – respect for dignity and human rights that secured that bedrock value was the incontestable baseline of decent politics everywhere”.²

However, we are extremely concerned by Ireland’s outright rejection of six UPR Recommendations by fellow member states in relation to Ireland’s restrictive abortion law.

The recommendations in question stated³:

- 107.4 Bring its abortion laws in line with the ICCPR (Norway);
- 107.5 Introduce legislation to implement the European Court of Human Rights judgement in the *A, B and C v Ireland* case (United Kingdom);
- 107.6 Take measures to revise the law on abortion with a view to permitting termination of pregnancy in cases where pregnancy is a result of rape or incest, or in situations where the pregnancy puts the physical or mental health or wellbeing of the pregnant woman or the pregnant girl in danger (Denmark);
- 107.7 Allow abortion at least when pregnancy poses a risk to the health of the pregnant woman (Slovenia);
- 107.8 Adopt legislative measures that guarantee greater integration of women as well as the safeguards of their personal rights and reproductive health case and reform the Offences Against the Person Act of 1861 to decriminalise abortion under certain circumstances (Spain);
- 107.9 Ensure that the establishment of an expert group on abortion matters will lead to a coherent legal framework including the provision of adequate services (Netherlands).

** Irish Family Planning Association, an NGO without consultative status, also shares the views expressed in this statement.

¹ The Irish Family Planning Association (IFPA) is Ireland’s leading sexual health charity. The organisation promotes the right of all people to sexual and reproductive health information and to dedicated, confidential and affordable healthcare services. The IFPA makes this submission based on its experience in providing information, counselling and medical health care to women and girls living in Ireland who are forced to travel abroad to access safe abortion services. The IFPA is recognised as a respected source of expertise because of its proven track record in the provision of sexual and reproductive healthcare services, non-directive pregnancy counselling, education, training for healthcare professionals, advocacy and policy development. In 2010, IFPA medical clinics provided sexual and reproductive health services to over 25,000 clients. In the same year, IFPA pregnancy counselling service provided information and support to approximately 5,000 women and girls experiencing pregnancies that were unplanned, unwanted or that had developed into a crisis because of changed circumstances. The IFPA made a joint submission with the Sexual Rights Initiative in relation to the UPR and is a member of the Your Rights Right Now coalition, which also made a submission.

² Report of the Working Group on the Universal Periodic Review: Ireland, Human Rights Council Twelfth Session, Geneva, 3-14 October 2011, A/HRC/19/9, paragraph 11.

³ Report of the Working Group on the Universal Periodic Review: Ireland, Human Rights Council Twelfth Session, Geneva, 3-14 October 2011, A/HRC/19/9, paragraph 107.

The rejection of these recommendations is inexplicable and unacceptable. The recommendations are fully consistent with the observations of the UN treaty bodies that have previously addressed Ireland's restrictive regulation of abortion:

- 2005: the Committee on the Elimination of Discrimination Against Women expressed its “concern about the consequences of the very restrictive abortion laws [in Ireland]”⁴;
- 2008: the Human Rights Committee called on Ireland to bring its abortion laws into line with the Covenant⁵;
- 2011: the Committee Against Torture expressed concerns about the serious consequences in individual cases, especially affecting minors, migrant women, and women living in poverty, of Ireland's failure to enact legislation to clarify the scope of legal abortion and urged Ireland to bring its law and practice into conformity with the Convention⁶.

In addition, in October 2011, the UN Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health issued a report calling for the decriminalization of abortion.⁷

The rejection of the recommendations raises serious concerns about the commitment in Ireland's State Report⁸ and the reiteration by Minister Shatter of the Government's pledge to “expeditious implementation” of the judgment of the European Court of Human Rights in the case of *A, B and C v. Ireland*⁹.

In January 2012, the Government submitted an Action Report to the Committee of Ministers of the Council of Europe on the execution of the *A, B and C v. Ireland* judgment.¹⁰ The Action Report announced the establishment of an expert group, which will be chaired by a High Court judge, Mr Justice Seán Ryan.

Three government committees have already submitted reports on abortion and outlined options: the 1996 Constitutional Review Group, the 1999 Cabinet Committee which oversaw the drafting of a Green Paper on Abortion, and the 2000 All Party Oireachtas Committee on the Constitution. The European Court of Human Rights was especially critical of Ireland's failure to implement any of the recommendations of these committees.

The terms of reference of the expert group, however, are confined to the recommendation of “a series of options on how to implement the [*A, B and C v Ireland*] judgment”.

Two concerns arise. First, the Action Report gives no indication of any process or timeframe by which the “series of options” will be translated into the necessary concrete actions to execute the judgement of the Court.

Second, the expert group is restricted to considering the judgement in *A, B and C v Ireland*, i.e. to give effect to the limited constitutional right to abortion, rather than the broader

⁴ [UN Committee on the Elimination of Discrimination against Women, “Concluding Comments: Ireland,” CEDAW/C/IRL/CO/4-5, 2005.]

⁵ Human Rights Committee, 93rd Session, July 2008: Concluding Observations to Ireland.

⁶ United Nations Committee against Torture, 46th session, 9 May - 3 June 2011 Concluding Observations: Ireland, CAT/C/IRL/CO/1, 17 June 2011

⁷ http://www.un.org/ga/search/view_doc.asp?symbol=A/66/254

⁸ Ireland's National UPR Report, at page 12, [http://www.upr.ie/Clients/CEGA/UPRWeb.nsf/page/BEHO-8JFKXE1617264-en/\\$file/Ireland's%20National%20Report%20FINAL.pdf](http://www.upr.ie/Clients/CEGA/UPRWeb.nsf/page/BEHO-8JFKXE1617264-en/$file/Ireland's%20National%20Report%20FINAL.pdf).

⁹ Report of the Working Group on the Universal Periodic Review: Ireland, op cit, paragraph 50.

¹⁰ http://www.dohc.ie/publications/pdf/Action_Report.pdf?direct=1.

concerns about the restrictiveness of the constitutionally permitted grounds for abortion that have been expressed by the UN treaty bodies.

The IFPA contends that the establishment of an expert group is therefore a regrettable backward step, and falls short of the substantive measures required to bring Ireland's laws closer to conformity with international human rights standards.

Recommendation

On Human Rights Day 2011, the Irish Deputy Prime Minister and Minister for Foreign Affairs stated that Ireland is committed to a "robust and effective Human Rights Council at the heart of international endeavours." He pledged that, if elected to the Human Rights Council, Ireland "will seek clear and strong action by the Council in addressing human rights violations and in promoting universal respect for human rights and fundamental freedoms".¹¹

At a time when Ireland is seeking election to the Human Rights Council, it is important that its poor record in relation to women's reproductive health and rights are placed under scrutiny by its fellow UN member states. Ireland's appearance before the UPR Working Group in March 2012 provides a fitting opportunity for Ireland to address the concerns raised here.

We urge the members of the Human Rights Council to call on Ireland to clearly explain the rationale for its outright rejection of the UPR recommendations by the Netherlands, the United Kingdom, Norway, Slovenia, Denmark and Spain in relation to the continued violations of women's reproductive human rights in Ireland.

¹¹ Statement by the Tánaiste and Minister for Foreign Affairs and Trade, Mr. Eamon Gilmore T.D. on Human Rights Day, 10 December 2011, <http://www.dfa.ie/home/index.aspx?id=87370>. [Last accessed 11/2/12].