



ADF INTERNATIONAL

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Mr. President,

ADF International thanks the Council for its UPR outcome report on Ireland. We would like to express, however, our concerns about several of the recommendations made in the report as well as a number of the comments made by some Member States therein.

First, ADF International takes issue with the recommendations made to Ireland by other Member States with respect to repealing the Eighth Amendment of its Constitution, and is especially alarmed by those nations which seem to treat this as the next logical step after the referendum on same-sex marriage. The Eighth Amendment 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.”

ADF International would challenge those States demanding a repeal of the constitutional protection of the right to life of pre-born children to identify which fundamental human right, in accordance with binding international instruments and consensus, places the topic of abortion liberalisation within the sphere of international law. There is no recognised international human right to abortion, and international law makes clear that abortion liberalisation falls outside the scope of international law. This is especially clear in the Programme of Action of the International Conference on Population and Development, which states that it is the sovereign right of every State to determine its own laws on abortion and requires Member States to do all that is in their power to avoid recourse to abortion.

Article 6 of the ICCPR also guarantees the right to life of all human beings, and the Preamble to the Convention on the Rights of the Child declares that children require appropriate protection both before and after birth. Ireland’s legal system strikes a balance with respect to all of these considerations, and it should be noted that since 1990, Ireland’s maternal mortality rate has dropped from 11 to 8 women per 100,000 live births. This is a rate comparable to or even significantly better than a number of the states criticising the current Irish status quo on this matter.

Furthermore, paragraph 7 of the report refers to the legalisation of same-sex marriage by constitutional amendment as a “key recent human rights development.” While it is the sovereign right of Member States to choose how to define marriage within their own domestic legal systems, ADF International would like to remind the Council that the fundamental human right to marry and found a family under international law applies only to “men and women of marriageable age,” as per Article 23(2) of the ICCPR. This is due to the fact that, according to Article 23(1), “the family is the natural and fundamental group unit of society and is entitled to protection by society and the State.”



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The guarantee of the right to marry under international law is oriented toward the fulfilment of this protection and support. The natural family with two married biological parents, a father and a mother, is, all other things being equal, the optimal context into which children can be born and raised. While same-sex marriage may well have become a statutory or constitutional right in a handful of countries, to refer to it specifically as a human right necessarily means that around 170 UN Member States are currently in violation of that supposed fundamental right simply for defining marriage as being the union of a man and a woman. Member States would do well to consider this further before making such a declaration.

Thank you, Mr. President.