

PRESS RELEASE BY THE IRISH FAMILY PLANNING ASSOCIATION

Wednesday, 9th December 2009

IRELAND'S DRACONIAN ABORTION LAWS

PUT UNDER THE SPOTLIGHT AT HUMAN RIGHTS COURT

The European Court of Human Rights, today (9/12/09), heard a challenge to Ireland's restrictive laws on abortion.

Three women living in Ireland challenged Ireland's ban on abortion on the grounds that the law jeopardised their health and their wellbeing in violation of their rights under the European Convention on Human Rights.

The Irish Family Planning Association (IFPA) which is providing support to the three applicants, welcomes the decision by the European Court of Human Rights to hear their case in its most important forum, the Grand Chamber.

The IFPA wishes to commend the bravery of three applicants in taking a case to the European Court of Human Rights, particularly given the unhelpful nature of abortion discourse in Ireland. The three applicants have waited over five years to have their voices heard at this important forum for the protection of human rights and are looking forward to having their human rights vindicated.

According to the IFPA, today is a hugely significant day for reproductive rights in Ireland. The fact that Ireland's draconian laws on abortion have been put under the spotlight at this important human rights arena is a landmark for women living in Ireland.

Ireland's restrictions on abortion violate international human rights norms because they inflict such grievous harm to women's health and well-being. The IFPA believes that women and girls' rights are disproportionately infringed upon by the inaccessibility and criminalisation of safe and legal abortion services in Ireland.

The IFPA is confident that when the Court issues its judgment it will establish a minimum degree of protection to which a woman seeking an abortion to protect her health and well-being would be entitled.

Ireland's restrictive laws on abortion are totally out of step with those of its European neighbours. Forty four out of 47 European countries provide for abortion to protect women's health. The overwhelming consensus throughout Europe allows for some access to legal abortion to protect a woman's health and well-being, applying a more effective, less punitive approach than that which is in force in Ireland. The IFPA believes that women and girls do not give up their human rights when they become pregnant nor should the State take these human rights away with impunity.

The experiences of the women, known as A, B and C, are illustrative of the reality faced by thousands of women in Ireland. Since 1980, at least 138,000 women have been forced to travel abroad to access safe abortion services, enduring unnecessary and unjustifiable physical, emotional and financial hardship.

The IFPA believes that abortion is an intimate aspect of private life, intricately linked with human rights values and principles that protect a woman's sexual and reproductive rights.

Complex court cases where women and girls are cruelly compelled to disclose the most intimate aspects of their life in the public arena in order to receive appropriate health care, albeit in another country, are deplorable avenues for the delivery of medical services.

This case has highlighted in an international forum the Irish Government's unwillingness to address the reality of women's lives and health in Irish law and policy.

NOTES:

Three applicants lodged a complaint to the European Court of Human Rights in August. The women, known as A, B & C to protect their confidentiality, contend that Ireland has breached their human rights under Articles 2 (Right to Life), 3 (Prohibition of Torture), 8 (Right to Respect for Family and Private Life) and 14 (Prohibition of Discrimination) of the European Convention on Human Rights.

In Ireland, abortion is criminalised under the Offences against the Person Act of 1861, which threatens women who 'unlawfully procure a miscarriage' with life imprisonment.

Abortion is legal in Ireland when there is a real and substantial risk to the life of the pregnant woman; this includes the risk of suicide. The current legal provisions do not allow for lawful termination of pregnancy when the woman's health is at risk, where the pregnancy is a result of rape or/and incest, where the foetus will not survive outside the womb or where the pregnant woman decides that continuation of the pregnancy is not in her or her family's best interests.

It is not against the law for women to travel abroad to access abortion services or access information on safe and legal abortion services in other countries from an Irish service provider.

Opinion polls and research consistently show increased support for access to abortion. A 2004 Crisis Pregnancy Agency study found that 90% of 18-45 year olds support abortion in certain circumstances, with 51% stating that women should always have to right to choose an abortion. In 2007, an Irish Times Behaviour and Attitudes Poll found that 54% of women believe the Government should act to permit abortion.

From Irish Family Planning Association (IFPA) website, accessed Dec. 9, 2009:
<http://tinyurl.com/ylgvca7>

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