



**United Nations Human Rights Council, 33<sup>rd</sup> Session (13 - 30 September 2016)**

**Item 6 – Ireland UPR**

**Friday 23 September 2016**

**Speaker: BHA representative, Cordelia Tucker O'Sullivan**

Thank you, Mr President.

I make this a joint statement from the British Pregnancy Advice Service and the British Humanist Association.

We welcome the efforts of Ireland to protect and promote human rights, including adopting strategies to combat sexual, domestic, and gender based violence, but remain concerned about Ireland's continued refusal to hold a referendum to amend Article 40.3.3 of the Irish constitution, which prohibits performance of abortion within the territory, unless there is a threat to the life of the mother (including suicide, although in practice hospitals often refuse to perform abortions under these circumstances for fear of legal retribution).<sup>12</sup> This constitutes a defence of a legal system which systematically abuses the human rights of Irish women and girls.

The constitution does not prohibit Irish women and girls travelling abroad to have an abortion, nor does it prohibit obtaining information relating to abortion services lawfully available in other states. However, it does limit abortion being performed within the territory, even in cases of rape, incest, or fatal foetal abnormality, making Irish abortion laws among the most restrictive in the world.

As a consequence, thousands of women and girls travel abroad (the majority of which travel to England or Wales) to access safe and legal abortion services every year.<sup>3</sup> The cost of travelling to the UK to access the service (England, Wales and Scotland) is estimated at around €1000 (for a surgical abortion below 14 weeks, not including indirect costs such as child care and loss of income)<sup>4</sup>, meaning that in effect, safe, legal abortion is available only to wealthy women and girls. Even if women have the means to travel to access the service, it is routinely reported that women suffer severe emotional and physical trauma due to having to carry a foetus for a prolonged period of time, travelling at personal expense, separated from their families, and having to return while not fully recovered.<sup>5</sup> The experience is so dreadful that in June this year, the UN Human Rights Committee said that Ireland's abortion law violates women's right to freedom from cruel, inhuman and degrading treatment.<sup>6</sup>

It is clear that Irish abortion laws are illegal under international human rights law. We therefore urge Ireland to hold a referendum as soon as possible, and fund a campaign encouraging the public to vote in favour of removing article 40.3.3 from the constitution entirely.

Thank you.

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<sup>1</sup> Article 40.3.3 of the Constitution of Ireland prohibits abortion performed in the territory, unless the life of the mother is threatened (narrowly conceived). A referendum must be held in order to make changes to the constitution.

<sup>2</sup> <https://www.ifpa.ie/Pregnancy-Counselling/Abortion-Irish-Law>

<sup>3</sup> Ibid.

<sup>4</sup> <https://www.ifpa.ie/node/506>

<sup>5</sup> <https://www.theguardian.com/world/2016/jun/09/ireland-abortion-laws-violated-human-rights-says-un>

<sup>6</sup> <https://www.theguardian.com/world/2016/jun/09/ireland-abortion-laws-violated-human-rights-says-un>