



IPRT Submission to the Citizens' Assembly on the Eighth Amendment to the Constitution

IPRT has considered the issue of the 8th Amendment to the Irish Constitution and endorses the recommendations of the UN Human Rights Committeeⁱ, the UN Committee on Economic, Social and Cultural Rightsⁱⁱ and the Irish Human Rights and Equality Commissionⁱⁱⁱ that the State take all the steps necessary, including a referendum on abortion, to revise its law to bring it in line with international human rights standards.

IPRT supports the position of IHREC that the current legal position in Ireland in relation to abortion not only puts in place barriers which impede a woman's right to bodily autonomy, but also that it has a disproportionate impact on women from lower socio-economic backgrounds and in particular women whose ability to travel may be circumscribed due to their status^{iv}, including their status as female prisoners.

In this regard, IPRT has also taken particular note of General Comment No. 22 (2016) on the Right to Sexual and Reproductive Health^v which clearly identified the State's core obligations as including **repeal or elimination of laws**, policies and practices **that criminalise**, obstruct or undermine the access of individuals or particular groups to sexual and reproductive health facilities, services, goods and information^{vi} and recognised the **distinct sexual and reproductive health needs** of particular groups including **women in detention**^{vii}. IPRT also notes the Committee's observation that States must **effectively monitor and regulate** specific sectors including "prisons and other detention centres to ensure that they do not undermine or violate individuals' enjoyment of the right to sexual and reproductive health"^{viii}.

Therefore, in the context of IPRT's experience and knowledge of the position of women in detention^{ix} as well as current and developing international human rights law relating to sexual and reproductive health, IPRT:

- a) endorses the position of the CEDAW Committee^x that legislation criminalising abortion should be amended, in order to withdraw punitive measures imposed on women who undergo abortion^{xi}
- b) endorses the recommendations of IHREC, the UN Human Rights Committee and the UN Committee on Economic, Social and Cultural Rights that the State take all the steps necessary, including a referendum on abortion, to revise its law to bring it in line with international human rights standards.

ⁱ UN Human Rights Committee (2014) Concluding Comments in relation to Ireland, see paragraph 9 http://www.ihrec.ie/download/pdf/un_hrc_concluding_observations_on_ireland_and_iccpr_24_july_2014.pdf

ⁱⁱ See also UN Committee on Economic, Social and Cultural Rights (2015) Concluding Comments in relation to Ireland, E/C.12/IRL/CO/3, 8 July 2015; CCPR/C/IRL/CO/4

ⁱⁱⁱ www.ihrec.ie/download/pdf/ihrec_submission_to_cedaw_loipr_2015.pdf

^{iv} At paragraph 73 http://www.ihrec.ie/download/pdf/ihrec_submission_to_cedaw_loipr_2015.pdf

^v http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=E/C.12/GC/22&Lang=en On Article 12 of the International Covenant on Economic, Social and Cultural Rights, published on 4 March 2016

^{vi} See paragraph 49. In Ireland abortion is criminalized under section 22 of the Protection of Life During Pregnancy Act, including in cases of rape, incest, fatal foetal abnormality and serious risks to the health of the mother, which may lead to up to 14 years imprisonment, except in cases that constitutes a “real and substantive risk” to the life of a pregnant woman.

^{vii} Paragraph 16 – “Physical accessibility should be ensured for all, especially persons belonging to disadvantaged and marginalized groups, including, but not limited to [...] persons in detention”.

^{viii} Paragraph 60

^{ix} See for example http://www.iprt.ie/files/IPRT_Position_Paper_on_Women_in_the_Criminal_Justice_System.pdf

^x CEDAW General Recommendation No. 24, Women and Health, CEDAW 20th Session, 1999.

^{xi} CEDAW, Concluding Comments in relation to Ireland, 22 July 2005, CEDAW/C/IRL/CO/4-5. In Ireland abortion is criminalised under section 22 of the Protection of Life During Pregnancy Act, including in cases of rape, incest, fatal foetal abnormality and serious risks to the health of the mother, which may lead to up to 14 years imprisonment, except in cases that constitutes a “real and substantive risk” to the life of a pregnant woman. In its concluding observations in relation to Ireland in 2005, the CEDAW Committee expressed its “concern about the consequences of the very restrictive abortion laws under which abortion is prohibited except where it is established as a matter of probability that there is a real and substantial risk to the life of the mother” and encouraged the state to facilitate a national dialogue on this issue.