



Coalition to Repeal the Eighth Amendment *Respect and Protect Women's Lives, Health and Choices*

Abortion Rights Campaign (ARC), Action for Choice, AIMS Ireland (Association for Improvements in Maternity Services Ireland), Akidwa, Amnesty Ireland, Anti-Austerity Alliance, Anti-Racism Network, ASLEF the Union, Atheist Ireland, BeLongTo, Bi+Ireland, Bray and District Trade Councils, Choice Ireland, Communications Workers Union, Community Solidarity North Kildare, Community Work Ireland, Doctors for Choice, Dublin Central Repeal 8, Dublin Well Woman Centre, Dun Laoghaire Repeal the 8th, Dziewuchy Dziewuchom, Equality & Rights Alliance (ERA), Galway Pro-Choice Group, GLEN (Gay and Lesbian Equality Network), Humanist Association of Ireland, Hun Real Issues, ICCL (Irish Council for Civil Liberties), ICTU (Irish Congress of Trades Unions), ICTU Youth, IFPA (Irish Family Planning Association), IMPACT Trade Union, Kerry for Choice, Labour Equality, Labour Women, Labour Youth, Lawyers for Choice, Limerick Feminist Network, LINC (Advocating for Lesbian & Bisexual Women), London-Irish Abortion Rights Campaign, Mandate Trade Union, Meath For Choice, Medical Students for Choice, Midwives for Choice, National Traveller Women's Forum, NCCWN (National Collective of Community Based Women's Networks), Need Abortion Ireland, Northern Ireland Alliance for Choice, NWCI (National Women's Council of Ireland), NXF (National LGBT Federation), One Family, Outhouse, Parents for Choice, People before Profit Alliance, Pro Choice Wexford, Rape Crisis Network Ireland, Re(al)Productive Health, Repeal 8th Global, Repeal Project, ROSA (Reproductive Rights Against Oppression, Sexism & Austerity), School of Social Justice UCD, Sligo Repeal the Eighth, Socialist Party, Socialist Workers Party, SWAI (Sex Workers Alliance Ireland), TCD Students Union, TENI (Transgender Equality Network Ireland), TFMR Ireland (Terminations for Medical Reasons Ireland), The Workers' Party Ireland, Trade Union Campaign to Repeal the 8th, TUC (UK), UL Medical Students for Choice, UNITE The Union, United Left Alliance, USI (Union of Students in Ireland), Waterford Trade Council, X-ile Project, YCHRE (Youth Council for Human Rights & Equality)

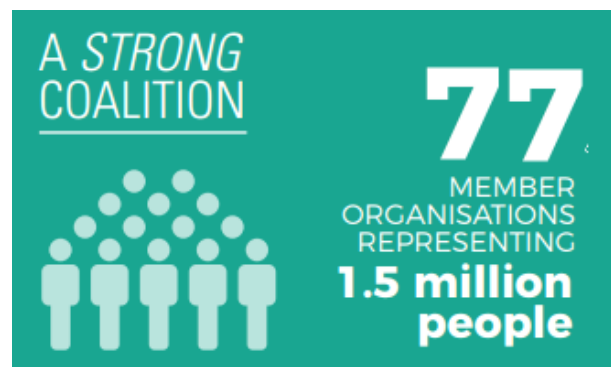
Submission to The Committee on The Elimination of Discrimination Against Women

February, 2017

Dear Committee members,

The [Coalition to Repeal the Eighth Amendment](#) (hereafter the Coalition), a broad alliance of 77 organisations, was established in September 2013 following the passing of the Protection of Life During Pregnancy Act.

Our membership includes human rights, feminist and pro-choice organisations, trade unions, health organisations, NGOs, community organisations and many others. Together our members represent over 1.5 million people, making the Coalition the largest ever civil society grouping in Ireland working for social and constitutional change on this issue.



The Coalition has prepared this submission to the Committee on the Elimination of Discrimination Against Women (CEDAW). Our previous submission from September 2016 highlighted in detail the discrimination against women living in Ireland created by the presence of the Article 40.3.3 or the Eighth Amendment of the Irish Constitution. Now, as the Irish Government is expected to address the Committee we believe it is important to focus on the current political landscape.

The failure of the Irish State to ensure that women living in Ireland have adequate and equal access to abortion is a violation of a woman's right to exercise her human rights and is also a fundamental violation of women's right to mental and physical health.

We maintain that is not enough for the State to ensure that women are not prevented from travelling abroad to access abortion if there are no measures in place to ensure that women, regardless of ethnicity, nationality, economic means and ability to travel can actually do so.

Neither is it enough for the State to put forward the Citizens' Assembly as proof of Government action when there is no guarantee that the Assembly will recommend a referendum to repeal the Eighth Amendment. Even if the Assembly were to do so, there is no commitment or timeline from Government to act on any such recommendation and to hold a referendum. While there is broad support for repeal of the Eighth Amendment across the political spectrum, there is a distinct lack of commitment to act on the part of Government.

Finally, we contend that Ireland's current prohibition on abortion fails to reflect public opinion in Ireland as opinion polls have consistently shown majority support for abortion on broader grounds.

Article 40.3.3 and the current political landscape

Article 40.3.3 in the Irish Constitution in effect gives priority to the protection of the "right to life of the unborn". In a crisis pregnancy priority consideration is given to life of the foetus regardless of the impact that this may have on the physical or mental health of the pregnant woman.

The lack of legal abortion in Ireland is a profound source of discrimination against women and girls. It means that women who cannot travel to obtain abortion in another jurisdiction, including women on low incomes, asylum-seeking or undocumented women, women with disabilities, and all those

unable to travel for whatever reason, are discriminated against and do not have access to same rights as women who can.

Furthermore, women who use the abortion pill are subject to criminalisation and liable to be punished by up to 14 years in prison, as are those who assist them to do so.

We contend that The Protection of Life During Pregnancy Act 2013 is deeply flawed. Rather than giving full expression to a woman's constitutional right to have an abortion where her life is at risk, the Protection of Life during Pregnancy Act 2013 introduces new legal barriers that require complicated certification and review by up to six doctors. The result is to restrict a woman's constitutional right to a life-saving abortion rather than to give legal effect to it. Until Article 40.3.3. is repealed entirely from the Constitution, the Oireachtas cannot legislate for abortion in any meaningful way and public policy and practice in this area will remain deeply flawed.

The dysfunctional way that Irish policy makers have dealt with women's need for abortion in Ireland can give the impression that abortion is somehow different in Ireland and perpetuates the myth that it is too sensitive and too controversial a topic for discussion. This is not the case. In fact, there has been a significant shift in public attitudes towards abortion in Ireland.

The Irish electorate has never been given the opportunity to repeal the Eighth Amendment. Previous referendums on the issue have only proposed voting to restrict abortion or to ensure that women would not be prevented by state agencies from accessing abortion in another state. Polls show that there is now wide public recognition of the issue and broad public support for wider access to abortion in Ireland.

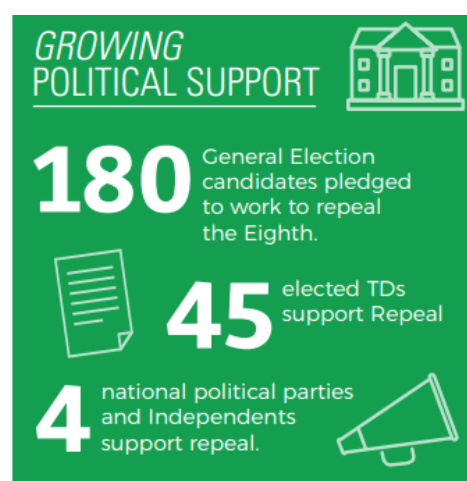
The Citizens' Assembly

As a result of extensive public pressure, the Government included in its Programme for Government a commitment to establish a Citizens' Assembly to make recommendations on whether a referendum should be held, and to report back to Government. Government will then refer the recommendations further to a Joint Committee of the Oireachtas which will report back to Government. The Citizens' Assembly is currently underway but civil society groups are deeply concerned that should a referendum be recommended by the Assembly, there is no commitment or timeline from Government to hold such a referendum.

Despite reservations about the effectiveness of holding a Citizens' Assembly, the Coalition and many of our members made carefully researched and considered submissions to the Assembly. These submissions are a valuable contribution to breaking through the stigma surrounding abortion, and to creating a wider understanding of the issue and of the daily distresses and difficulties faced by women throughout the country because of the ban against abortion. The Coalition would like to commend our submission and our members' and supporters' submissions to the Committee.

Cross Party Political Support

There is now recognition across the political spectrum that abortion is an issue which must be addressed. All parties recognize the need for change and four political parties and over one third of TDs are explicitly in favour of repeal of the Eighth Amendment and signed their support for a referendum in a pre-election pledge. The consensus among Oireachtas members (parliamentarians) is that a referendum should be held and the question should be put to the people.



Apart from those who signed a pledge, many more elected representatives have stated their support for repeal of the Eight Amendment either on the Dáil record or through the media. Several Government Ministers including the current Minister for Health and the previous Minister for Health have expressed on the public record the need for change.

Public Opinion

The Coalition contends that current government policy is out of step with public opinion. The Irish government argues that current Irish law reflects an evolution of attitudes on abortion; that its development has involved substantial public discussion and that there is a general consensus in Ireland that is represented by the 2013 Act. None of these assertions is accurate.

In fact two referendums (1992 and 2002) were held by which the state aimed to further restrict the right in the X case by excluding suicide. One of these proposals (2002) would have included specific reference to criminal provisions by referring in the proposed amendment to a proposed legislation

which included a maximum term of 12 years (lower than the maximum term in the 2013 Act). Both failed. Referendums to ensure women would not be prevented from travelling for and receiving information about abortion passed. The people have never been given the opportunity to vote on an amendment to either delete Article 40.3.3 from the constitution or to make it less restrictive.

Over the past two years [opinion polls](#) have consistently shown that the Irish people want a referendum on the Eighth Amendment and the majority would support repeal of the Article 40.3.3 from the Constitution. Over 70% of Irish people support abortion in cases of foetal anomaly, risk to a woman's health and where pregnancy results from rape/child abuse, and between 36% and 45% are in favour of a woman's right to choose in other circumstances. Those in younger age groups show the highest levels of support.

The Coalition believes the State must ensure the immediate decriminalisation of abortion by repealing sections 22 and 23 of the Protection of Life During Pregnancy Act 2013 and must also repeal the 1995 Abortion Information Act. Most importantly the State must once and for all introduce a human rights compliant framework for abortion in law. A referendum must happen regardless of the Citizen's Assembly process. Until these changes are enacted, women and girls living in Ireland will continue to be denied the right to full reproductive health care, including abortion in Ireland; they remain second class citizens and their human rights will continue to be violated.

We would respectfully suggest that the Committee continues to urge the Government to repeal and amend its abortion laws, including the article 40.3.3 of the Constitution so as to ensure women's equal access to the highest attainable standard of reproductive health.

Yours sincerely,

Ailbhe Smyth

Convenor, Coalition to Repeal the Eighth Amendment

