



UNITED NATIONS HUMAN RIGHTS COMMITTEE  
**109<sup>th</sup> Session of the UN Human Rights Committee**  
14 October to 1 November 2013

**INTERNATIONAL COMMISSION OF JURISTS (ICJ) SUBMISSION  
FOR THE PREPARATION BY THE UN HUMAN RIGHTS COMMITTEE  
OF A LIST OF ISSUES FOR THE EXAMINATION OF THE FOURTH PERIODIC REPORT OF  
IRELAND UNDER THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS**

Submitted August 2013

*Composed of 60 eminent judges and lawyers from all regions of the world, the International Commission of Jurists promotes and protects human rights through the Rule of Law, by using its unique legal expertise to develop and strengthen national and international justice systems. Established in 1952, in consultative status with the Economic and Social Council since 1957, and active on the five continents, the ICJ aims to ensure the progressive development and effective implementation of international human rights and international humanitarian law; secure the realization of civil, cultural, economic, political and social rights; safeguard the separation of powers; and guarantee the independence of the judiciary and legal profession.*

**ICJ submission to the Human Rights Committee for the preparation of a List of  
Issues for the examination of the Fourth Periodic Report of Ireland**

1. During its 111<sup>th</sup> session, scheduled for 7 to 25 July 2014, the Human Rights Committee (the Committee) will undertake its examination of the fourth periodic report of Ireland under the International Covenant on Civil and Political Rights (ICCPR). Ahead of this, during its 109<sup>th</sup> session on 14 October to 1 November 2013, the Committee will prepare and adopt a List of Issues. The International Commission of Jurists (ICJ) welcomes the opportunity to contribute to the Committee's preparation of the List of Issues. This brief submission notes that breaches of the State party's obligations under articles 2, 3, 6, 7 and 26 of the ICCPR may arise as a result of severe legislative restrictions on access to safe and legal abortion in Ireland.

**ARTICLES 2, 3, 6, 7 and 26  
Access to safe and legal abortion in Ireland**

2. In its Concluding Observations to Ireland's third periodic report under the ICCPR, the Committee "reiterate[d] its concern regarding the highly restrictive circumstances under which women can lawfully have an abortion in Ireland" and requested Ireland to "bring its abortion laws in line with the Covenant".<sup>1</sup> The Committee noted particular concerns in that with respect to the State's obligations under article 2, 3, 6 and 26. Previously in its Concluding Observations to Ireland's second periodic report the Committee had expressed concern "that the circumstances in which women may lawfully obtain an abortion are restricted to when the life of the mother is in danger and do not include, for example, situations where the pregnancy is the result of rape".<sup>2</sup> The Committee requested the State to "ensure that women are not compelled to continue with pregnancies where that is incompatible with obligations arising under the Covenant", noting in particular its concerns regarding the States obligations under article 7. Since then, however, while it has taken legislative measures concerning abortion, Ireland has not taken steps to broaden the circumstances in which abortion is permissible and thereby comply with its obligations under the Covenant.

3. Indeed, Ireland's legal prohibition on abortion remains among the most restrictive in the world. Irish criminal law provides that any woman who obtains an abortion or anyone who administers an abortion commits a criminal offence. The only exception to this prohibition is where an abortion is necessary to prevent a real and substantial risk to a woman's life. In addition, Irish law allows women to travel abroad to obtain an abortion.

4. In July 2013, legislation was enacted by the Irish Parliament that is intended to provide women and medical professionals with clarity as to the applicable circumstances and procedures for conducting a legal abortion in Ireland in order to prevent a real and substantial risk to the woman's life. The adoption of this legislation was identified by the Irish Government as a necessary step towards compliance with the decision of the European Court of Human Rights in *A, B and C v. Ireland*.<sup>3</sup>

5. However, although the enactment of this legislation is important, it does not give rise to substantive changes in Irish abortion law. It remains a criminal offence for a woman to obtain an abortion in Ireland or for a medical professional to provide one, in all situations where the abortion is not deemed necessary to prevent a real and substantial risk to the woman's life. As a result, abortion remains a criminal offence where the pregnancy involves a

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<sup>1</sup> Concluding Observations of the Human Rights Committee on Ireland, UN Doc CCPR/C/IRL/CO/330 (2008).

<sup>2</sup> Concluding Observations of the Human Rights Committee on Ireland, 24 July 2000, UN Doc A/55/40.

<sup>3</sup> *A, B, and C v. Ireland*, ECtHR Application No. 25579/05, 16 December 2010.

fatal foetal abnormality, or is the result of rape or incest, or is necessary in order to prevent harm to a woman's health.

6. This situation continues to undermine Ireland's compliance with its obligations under the Covenant, in respect of articles 2, 3, 6, 7 and 26 as raised by the Committee in 2000 and 2008.<sup>4</sup>

7. The ICJ recommends that the following question be included in the List of Issues for the examination of Ireland:

- ***What steps, and in what timeframe, will the State party take to ensure that its restrictive abortion laws and practices do not continue to impair or jeopardize women's equal enjoyment of their Covenant Rights?***

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<sup>4</sup> For a range of additional relevant documentation, commentary and jurisprudence on this issue see: Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, UN Doc A/HRC/22/53 (2013); *LC v. Peru*, CEDAW Communication 22/2009, UN Doc CEDAW/C/50/D/22/2009 (2011); *KL v. Peru*, Human Rights Committee Communication 1153/2003, UN Doc CCPR/C/85/D/1153/2003 (2005); *V.D.A. v. Argentina*, Human Rights Committee Communication No. 1608/2007, CCPR/C/101/D/1608/2007 (2011). On a number of occasions the Committee Against Torture has also called on States to reform restrictive abortion laws so as to avoid violations of the Convention Against Torture, see for example: Concluding Observations of the Committee Against Torture on Nicaragua, U.N. Doc. CAT/C/NIC/CO/1 (2009).