

AMNESTY INTERNATIONAL MEDIA ADVISORY

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Ireland: Amnesty International to submit report to government on abortion laws

Amnesty International welcomed the announcement today (7.12.12) of a review of law and practice on the issue of access to abortion by the Irish Human Rights Commission. The organization confirmed that it will be submitting its recommendations to this review and directly to the Irish Government.

The organization called for immediate short-term action by the government.

"We welcome this intervention by the Irish Human Rights Commission, and the consultative approach it is taking," said Marianne Mollmann, senior policy advisor at Amnesty International's International Secretariat.

"While government deliberates the legislative and regulatory steps in response to the European Court of Human Rights decision in the *A, B & C* case, it is obliged under international human rights law to take all necessary steps immediately to ensure women's access to lawful abortion."

Amnesty International stressed that any legislative action that falls short of affirming the *X* case or which seeks to restrict lawful abortion would constitute a row back of human rights.

"Human rights law is also clear on the issue of decriminalization," noted Colm O'Gorman, Executive Director of Amnesty International Ireland.

"States should repeal any law that permits the imprisonment or any other criminal sanction on women who seek or have an abortion. Such criminal sanctions should also not be imposed on those who provide information about abortions or carry them out."

Responding to the Report of the Expert Group established by the government to advise on how it should implement the *A, B & C* decision, the organization noted that a number of the options outlined have potential as positive steps which the government could take to meet its obligation to ensure respect for and protection and fulfillment of women's human rights.

The organisation noted in particular the Expert Group's analysis that as a matter of existing law for abortion to be lawful, the risk to the woman's life need not be imminent and inevitable. They welcomed the report's acknowledgment that "A balance ought to be achieved between ensuring a patient's access to lawful medical treatment whilst also recognizing an individual's conscientious objection, insofar as possible."

However, the organization signaled its particular concern about the reports view that doctors are the only appropriate decision-makers on termination of pregnancy in cases where it is deemed that the woman's life is at risk.

“International human rights law is clear that individuals must have the main and final say in their health care. There are narrow limitations to this principle where an individual is temporarily or permanently incapable of making decisions for themselves, and where interventions are necessary to avoid imminent danger to that person's health or life. However, placing the decision over health care in the hands of third parties would not be compatible with Ireland's human rights obligations,” noted Mollmann.

ENDS

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Notes to editors

Amnesty International members adopted a policy on selective aspects of abortion, as part of its policy on sexual and reproductive rights, in 2007. It was informed by the growing use of rape and forced pregnancy in conflict situations around the world and the documented link between illegal abortion and maternal mortality.

The policy is in line with current international human rights law.

Amnesty International believes states should:

- Ensure the provision of full information on sexual and reproductive health to women and men;
- Provide legal, safe and accessible abortion in cases of rape, sexual assault, incest and risk to a woman's life, or grave risk to her health;
- Repeal laws that permit the imprisonment or imposition of other criminal sanctions on women who have had or sought to have an abortion and repeal laws that seek to criminalize medical practitioners who provide information or abortion services and operate within reasonable medical limitations;
- Provide access to quality medical services for the management of complications arising from all abortions, legal or illegal.

Details of the Irish Human Rights Commission [review](#).

Public Document

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