

UN Human Rights Council Universal Periodic Review (2011)

Submission by the Pro-Life Campaign, Ireland, on the protection of human life from its fragile beginnings

Executive Summary

1. This submission deals with Ireland's constitutional protection for unborn children, democratically passed by the Irish People in a referendum in 1983. In 1992, the Supreme Court weakened legal protection for the unborn child without hearing any medical evidence that abortion was necessary to save the mother's life.
2. In 2009, the Supreme Court judged that embryos outside the womb were not covered by Article 40.3.3 of the Constitution but were nonetheless deserving of some respect and the court left it to legislators to decide how to protect human embryos. Abortion and destructive embryo research do not currently take place in Ireland.
3. The reason abortions are not performed in Ireland is because successive governments have not legislated to give effect to the Supreme Court decision in X. Based on the medical evidence alone, it would be irresponsible to introduce legislation on the grounds of X as it would put the mother's as well as the baby's life at risk. Also, opinion polls repeatedly show that a sizable majority of the public are opposed to legislation allowing for abortion in Ireland.
4. The recent European Court of Human Rights decision in A, B and C–v–Ireland has prompted calls from within and without government for legislation to be introduced making abortion available in Ireland.
5. Crucially, however, the judgment does not require Ireland to introduce legislation authorising abortion in line with, for example, the Supreme Court decision in the X case.
6. On the contrary, the European Court of Human Rights fully respects the entitlement of the Irish people to determine legal policy on protecting the lives of unborn children. The Irish people must now make a choice. If they were to choose to endorse the Supreme Court decision in X, this would involve legalising abortion contrary to existing medical practice and the best evidence of medical research. If on the other hand, the Irish people choose to endorse the current medical practice, they will be ensuring the continuation of Ireland's world renowned safety record for mothers and babies during pregnancy.

7. The evidence over the past 18 years contradicts the medical assumptions of the X case decision.^{1 2}

8. It is important to note that the judges in the X case heard no medical evidence. In the years since the ruling, the evidence has steadily mounted, confirming the reverse of what the judges had assumed - women who have abortions are more likely to commit suicide than women who continue with their pregnancies.³

9. Any revisiting of the X case decision would need to take on board the evidence from these new studies that abortion involves significant risks for many women.

10. The suggestion that because of Ireland's pro-life ethos pregnant women are denied necessary medical treatments is simply not true. In fact, Ireland is a world leader in safety for pregnant mothers. The latest UN report on the safety of mothers during pregnancy found, of all 172 countries for which statistics are given, Ireland leads the world when it comes to safety for pregnant women.⁴

11. Pregnant women are safer in Ireland than in countries like Britain and Holland, which permit abortion on demand. Given our record in maternal care, the question has to be asked, why are some people proposing to blur the time-honoured distinction between necessary medical treatments in pregnancy and the deliberate targeting of the baby in the womb with the aim of ending its life?

12. We urge the UN Human Rights Council to recognise Ireland's outstanding record of care in protecting the lives of women during pregnancy while at the same time affording proper legal protection to the lives of unborn babies. We encourage the Council to remind the Irish government of its responsibility to maintain and safeguard this remarkable ethos of care for expectant mothers and their unborn children and to protect human embryos from destructive research and other procedures that would endanger their lives.

Public backing for legal protection of unborn human life

13. The latest research on abortion shows a sizeable majority of the Irish public supports legal protection for the unborn child, while at the same time ensuring that women receive all necessary medical interventions in pregnancy.

14. The Pro-Life Campaign commissioned Red C to carry out the survey on a quota controlled sample of 1,025 people aged 18+ between 8th–10th February 2011.

¹ David M. Fergusson, L. John Horwood and Joseph M. Boden, "Abortion and mental health disorders: evidence from a 30-year longitudinal study," *The British Journal of Psychiatry* (2008), 2008, pp. 444-451

² Position Statement on Women's Mental Health in Relation to Induced Abortion, Royal College of Psychiatrists, UK (2008)

³ *The European Journal of Public Health* 2005 15 (5): 459-463, Injury deaths, suicides and homicides associated with pregnancy, in Finland by Mika Gissler, Cynthia Berg, Marie Helene Bouvier-Colle and Pierre Buekens.

⁴ Report on Maternal Mortality by World Health Organisation, UNICEF, UNFPA and the World Bank, (2007, 2010)

15. The first question reads as follows:

Are you in favour of, or opposed to, constitutional protection for the unborn that prohibits abortion but allows the continuation of the existing practice of intervention to save a mother's life in accordance with Irish medical ethics?

16. The findings shows that 68% support constitutional protection for the unborn, 26% oppose it and 5% don't know or have no opinion. When the don't knows/no opinions are excluded, 73% of the public support legal protection and 27% are opposed to it.

17. The poll follows in the wake of the European Court of Human Rights judgment in A, B & C -v- Ireland and the call from some members of the new government for legislation to make abortion available in Ireland. The poll finding also confirms the existence of widespread public support in Ireland for an approach to protecting the unborn child based on the important distinction between ensuring women receive all necessary medical treatments in pregnancy and prohibiting abortion, where the life of the baby is deliberately targeted.

Protection of human embryos

18. In the Supreme Court decision in R-v-R (2009), judges said that human embryos are not protected by the Irish Constitution but deserve respect and their protection is a matter for the Government.

19. Again, there have been vociferous calls from some in government favouring bringing forward legislation permitting the intentional destruction of human embryos in assisted human reproduction and for research purposes.

20. The Pro-Life Campaign also commissioned the Red C polling company to gauge public opinion on the issue of support for legal protection of the human embryo. The question posed in the February survey is a follows:

Do you think the Government should legislate, or not, to protect human embryos in the area of stem cell research and assisted human reproduction?

21. The findings show that 62% support legal protection of the human embryo, 27% oppose it and 11% don't know or have no opinion. When the don't knows/no opinions are excluded, 69% of the public support legal protection and 31% are opposed to it.

22. This result is very reassuring from a pro-life perspective. The fact that adult stem cell research, involving no destruction of human embryos, is yielding all the breakthroughs we read about on an almost daily basis proves it is possible to work towards a win-win solution for both ethics and science in the area of stem cell research. The call for legislation in Ireland permitting the destruction of human embryos is an affront to human dignity and the right to life.

Building a society based on authentic human rights

23. Every country has to honestly address the issue of crisis pregnancy and Ireland is no exception. Nobody is saying the way the issue is dealt with in this country is perfect. There is an unceasing challenge to the State and society at large to create a more welcoming and inclusive environment for expectant mothers and their unborn children.

24. By all means, let us debate the abortion issue openly, honestly and with all the facts in front of us. But equally, we cannot shy away from the implications of what legal abortion would involve and the brutal reality of abortion, legal up to birth, in countries like Britain and in other jurisdictions.

25. What's at stake in this debate is the value of life, and the sad experience is that once laws permitting abortion are introduced, they diminish the society's respect for the inherent value of every human life, born or unborn. What we need now is a calm, respectful national discussion, in which the latest medical and scientific evidence is fully considered leading to a solution at a Constitutional level, which will ensure the full protection of all human beings, mothers and unborn children, on the basis of respect for their equal dignity and worth.

Recommendations

1. We urge the UN Human Rights Council to recognise Ireland's outstanding record of care in protecting the lives of women during pregnancy while at the same time affording proper legal protection to the lives of unborn babies.
2. We urge the Council to remind the Irish government of its responsibility to maintain and safeguard this remarkable ethos of care for expectant mothers and their unborn children and to protect human embryos from destructive research and other procedures that would endanger their lives.

The Pro-Life Campaign

The Pro-Life Campaign (PLC) is a non-denominational lobby group, drawing its support from a cross-section of Irish society. The Campaign promotes pro-life education and defends human life at all stages, from conception to natural death. It also campaigns for resources to support and assist pregnant women and those in need of healing after abortion.

Note: The Pro-Life Campaign was recently granted special NGO consultative status by the UN's Economic and Social Council.