

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

Introduction

The Irish Feminist Network (IFN) is a volunteer organisation committed to promoting gender equality across all aspects of Irish society and has a growing online presence with almost 7,000 supporters. The IFN is predominantly run by and for young women and aims to engage young people in campaigning on feminist and equality issues. A key area of this campaigning is in relation to reproductive rights. The Irish Feminist Network strongly recommends that the Eighth Amendment be repealed and we urge the Citizens' Assembly to propose a referendum with as little delay as possible. As a supporter of the Abortion Rights Campaign, the IFN is in favour of repealing the Amendment in order to allow for free, safe and legal abortion in Ireland.

The Case for Repealing the Eighth Amendment

The IFN believes that reproductive rights are inextricably linked to gender equality. Because only women and girls¹ have the ability to become pregnant, they are the ones primarily affected by the accessibility of abortion. To prevent or place barriers in the way of such access is to subvert gender equality by negatively impacting women and girls. As an organisation run primarily by and for young women, the IFN notes that abortion access is an issue of particular significance for this group. Statistics show that young women are principally affected by abortion access as they make up the majority of those who travel for abortion. In 2015, more than 90% of those on record as travelling to the United Kingdom for abortion were under 40 years of age.² This group is also underrepresented in decision-making in Ireland, with only 22.2% of Dáil Éireann being female and 3.2% being both female and under 40.³ Significantly, women of this generation have not had the opportunity to vote on the issue of abortion as they were not born or not old enough to vote in 1983. For these reasons, holding a referendum to repeal the Eighth Amendment is an important step towards achieving equal rights for young women in Ireland.

The IFN advocates for the fundamental right of women to make their own choices in relation to their healthcare and medical treatment. Making decisions about what happens to one's own body is part of the right to bodily autonomy. Women should be trusted with this right and responsibility. We believe that the denial of this right contravenes the human right not to be subjected to cruel, inhuman or degrading treatment as set down in Article 5 of the the Universal Declaration of Human Rights.⁴ Many Irish women have spoken publically about their experiences of this degrading treatment and how they have suffered as a result.⁵ The IFN calls on the Citizens' Assembly to listen to the voices of these women during its deliberations on the Eighth Amendment.

¹While we refer to 'women' or 'women and girls' throughout this submission, the IFN recognises that not everyone who needs access to abortion is a woman or a girl. We support access to abortion for everyone, including those who are cis, trans, non-binary or gender fluid.

²www.ifpa.ie/Hot-Topics/Abortion/Statistics

³www.oireachtas.ie/members-hist/default.asp?housetype=0&HouseNum=32&disp=mem

⁴www.un.org/en/universal-declaration-human-rights

⁵shareyourabortionstory.tumblr.com, twitter.com/twowomentravel

Regardless of illegality, it is a fact that thousands of Irish women have obtained abortions since the Eighth Amendment was inserted into the constitution in 1983. In 2015 alone, just over nine women per day travelled to access abortion services in the United Kingdom.⁶ (This figure underestimates the true number of Irish abortions as it excludes those who did not give an Irish address, travelled to a jurisdiction other than the United Kingdom or procured their own abortion at home using pills purchased over the internet.) However, abortion access is not equal as many women face insurmountable barriers to travel. Women struggle to arrange finance, childcare, time off work and visas. Irish abortion legislation has created a fundamentally unequal situation where abortion is accessible for privileged, middle-class women, who can afford to travel abroad, but not for poor or migrant women.⁷ Those most marginalised, refugees and asylum-seekers, are the most disadvantaged as they have no say in legislation, and their right to travel is restricted. Thus, the Eighth Amendment entrenches not only gender, but also racial and class inequalities in Irish society.

Since the introduction of the Eighth Amendment of the Constitution in 1983, public opinion on the issue of abortion has developed and changed. Successive opinion polls indicate that the Eighth Amendment no longer enjoys popular support and that a majority of Irish people favor holding a referendum to repeal it. Figures from Irish Times/Ipsos MRBI polls conducted in February, July and October 2016 indicate levels of support for repeal of 64%⁸, 67%⁹ and 74%¹⁰ respectively. The strong support for a referendum to repeal the Eighth Amendment is also evidenced by the increasing number of people attending the annual March for Choice, with thousands taking part again in September 2016.¹¹ Furthermore, the appetite for repealing the amendment is clearly demonstrated by the more than 70 diverse organisations that have come together to campaign for repeal as part of the Coalition to Repeal the Eighth Amendment.¹²

While the Eighth Amendment has been strongly criticised within Ireland, international voices have echoed those at home. It is worth noting that Ireland already has a poor record on women's rights due to scandals including the institutional abuse of women in the Magdalene laundries¹³ and the subjection of an estimated 1,500 women to medically unnecessary symphysiotomies.¹⁴ In recent years, Ireland has repeatedly faced censure from the international community as a result of its regressive abortion regime. The UN Human Rights Committee, the UN Committee on Economic, Social and Cultural Rights and the UN Committee on the Rights of

⁶www.ifpa.ie/Hot-Topics/Abortion/Statistics

⁷www.irishtimes.com/news/social-affairs/dozens-of-migrant-women-unable-to-travel-for-abortions-1.2037483

⁸www.irishtimes.com/news/politics/majority-for-repeal-of-eighth-amendment-poll-shows-1.2544564

⁹www.irishtimes.com/news/politics/majority-support-repeal-of-eighth-amendment-poll-shows-1.2714191

¹⁰www.irishtimes.com/news/social-affairs/irish-times-poll-majority-want-repeal-of-eighth-amendment-1.2819814

¹¹www.irishtimes.com/news/social-affairs/thousands-taking-part-in-pro-choice-rally-in-dublin-1.2804559

¹²www.repealeight.ie

¹³www.magdalenelaundries.com

¹⁴Jillson, Irene Anne. *Symphysiotomy In Ireland: A Qualitative Study*. Washington, D.C.: N.p., 2012. Web. 13 Dec. 2016.

the Child in 2014, 2015 and 2016 respectively all criticised Ireland's abortion laws and called on the State to introduce reforms to bring the law into line with international human rights standards. The European Court of Human Rights has deliberated in relation to Irish abortion law in the landmark case of A, B, C v Ireland, which ultimately lead to the Protection of Life During Pregnancy Act 2013.¹⁵ In June 2016, the United Nations Human Rights Committee found that Irish woman Amanda Mellet suffered discrimination and cruel, inhuman or degrading treatment as a result of the criminalisation and prohibition of abortion in Ireland.¹⁶ Overall, Ireland's reputation for upholding human rights has been significantly tarnished by its continual denial of women's reproductive rights.

Conclusion

As an organisation committed to promoting gender equality, and run by and for young women, the IFN strongly advocates for the repeal of the Eighth Amendment in order to grant women their full reproductive rights. The IFN supports the Abortion Rights Campaign and the right of all women to free, safe and legal abortion. Repealing the Eighth Amendment would allow for greater equality for women in Ireland in terms of gender, race and class. Since the adoption of the Amendment, public opinion has shifted and there is now a clear mandate for a referendum to repeal it. International law also demands that Ireland take action. The Irish Feminist Network believes that it is time to trust women to make choices for themselves, and calls on the Citizens' Assembly to recommend a referendum to repeal the Eighth Amendment.

Further Information

For further information or clarification on any of the above, please do not hesitate to contact the Irish Feminist Network at: 0857640216 or irishfeministnetwork@gmail.com

¹⁵www.ifpa.ie/Hot-Topics/Abortion/ABC-v-Ireland

¹⁶www.independent.ie/irish-news/health/woman-who-made-complaint-to-un-about-irelands-abortion-laws-offered-30000-compensation-35257358.html