

UN: Ireland's abortion ban is cruel, discriminatory to women (Update)

June 9 2016, by Shawn Pogatchnik



A Saturday, July 6, 2013 file photo showing thousands of anti-abortion protesters filling Dublin's major thoroughfare, as they march against Ireland's abortion bill. United Nations human rights experts said Thursday June 9, 2016 that Ireland's abortion ban subjects women to discriminatory, cruel and degrading treatment and should be ended for cases involving fatal fetal abnormalities. (AP Photo/Shawn Pogatchnik, File)

Ireland's abortion ban subjects women to discriminatory, cruel and degrading treatment and should be ended immediately for cases involving fatal fetal abnormalities, U.N. human rights experts said Thursday.

The 29-page report from the Geneva-based U.N. Human Rights Committee accepted a complaint filed by Amanda Mellet, a Dublin woman who was denied a 2011 abortion in Ireland after doctors informed her that her fetus had a heart defect and could not survive outside the womb.

Ireland permits abortions only in cases where the woman's own life is endangered by continued pregnancy. Its ban on abortion in all other circumstances requires women to carry a physiologically doomed fetus until birth or its death in the womb. The only other option is to travel abroad for abortions, usually to England, where thousands of Irish citizens have abortions annually.

The U.N. Human Rights Committee, constituting experts from 17 nations led by Fabian Salvioli of Argentina, found that Ireland's abortion law violates the U.N. International Covenant on Civil and Political Rights and called for widespread reform.

The panel wields no power to compel change from Ireland, a predominantly Roman Catholic nation that maintains the strictest laws on abortion in the 28-nation EU.

Ireland's government and Catholic Church leaders declined to comment on the report, which seeks a formal Irish government response within six months.

In Dublin, Mellet said she hoped the government would find "the courage to make necessary changes in law."

"I hope the day will soon come when women in Ireland will be able to access the health services they need in our own country, where we can be with our loved ones, with our own medical team, and where we have our own familiar bed to go home and cry in," she said in a statement.

"Subjecting women to so much additional pain and trauma simply must not continue."

Rights watchdogs said the U.N. findings should renew pressure on Ireland three years after the country legalized abortions deemed necessary to save a pregnant woman's life. That move followed the 2012 death in an Irish hospital of an Indian woman, Savita Halappanavar, who suffered lethal blood poisoning after doctors refused to terminate her dying fetus.

Mark Kelly, director of the Irish Council for Civil Liberties, said the U.N. criticism "joins a chorus of expert voices reminding Ireland that its abortion regime is wildly out of kilter with abortion law and practice in the family of civilized nations."

"The Irish government must take its head out of the sand and see that it has to tackle this issue," said Colm O'Gorman, Amnesty International's director in Ireland.

Opinion polls since 2013 have recorded majority support in Ireland for extending abortions to cases involving fatal defects and pregnancies caused by rape or incest, but anti-abortion activists argue that further exceptions to the ban would lead eventually to the legalization of abortion.

An Irish group opposed to abortion, the Pro Life Campaign, denounced the U.N. as a pro-abortion lobby group. Its leader, Cora Sherlock, argued that Mellet's fetus should have been given the chance to survive, regardless of medical opinion.



This Saturday, Nov. 17, 2012 file photo shows abortion rights protesters holding pictures of Savita Halappanavar as they march through central Dublin, demanding that Ireland's government ensures that abortions can be performed to save a woman's life. United Nations human rights experts said Thursday that Ireland's abortion ban subjects women to discriminatory, cruel and degrading treatment and should be ended for cases involving fatal fetal abnormalities. (AP Photo/Shawn Pogatchnik, File)

Sherlock said all fetuses should be carried to full term to ensure their right to life is vindicated. She U.N. experts were wrong to treat unborn children with fatal abnormalities as "unworthy of any legal protections."

The U.N. report said Ireland's law made the rights of inviable fetuses superior to the rights of women and this arbitrary imbalance "cannot be

justified," because the unborn child's life cannot be saved. It said Ireland's restrictions on providing clear advice and state-supported medical care to women who receive abortions overseas caused Mellet "intense suffering" and her experience "amounted to cruel, inhuman or degrading treatment."

The panel called on Ireland to amend its laws to comply with U.N. treaty obligations, provide financial compensation to Mellet and ensure she has access to state-supported counseling services. It said Ireland should amend its laws to ensure that no other women with fatal fetal abnormalities should be forced to carry them to full term.

The experts also found that Ireland's underlying criminal law on abortion was "discriminatory because it places the burden of criminal liability primarily on the pregnant woman."

Mellet testified that Dublin doctors informed her during scans that her child was likely to die inside the womb but could not be aborted, only removed after it perished. After three weeks, she checked with doctors to see if her now 24-week-old fetus still had a heartbeat and, when told it was still alive, traveled with her husband to the English city of Liverpool. There, doctors induced a 36-hour labor that ended in a stillborn baby girl.

Mellet was denied any access to state-funded bereavement counseling in Ireland because Irish maternity hospitals are permitted to provide such services only to women who agree to carry their fetuses to birth or miscarriage.

Her legal complaint was accompanied by expert opinions from a Trinity College Dublin professor in midwifery and a clinical psychologist who found that Ireland's restrictions inflict unnecessary long-term trauma on women carrying fetuses likely to die.

Mellet told the U.N. panel she had wanted to take her stillborn daughter's remains back with her to Ireland on the plane but the hospital said it had no way to facilitate this.

"She received the ashes, unexpectedly, three weeks later by courier, which deeply upset her," the report said.

More information: Report, bit.ly/25NrsFz

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