

# PROTECTION OF LIFE DURING PREGNANCY ACT (2013)

The Protection of Life During Pregnancy Act was introduced in 2013 ostensibly to:

- (a) respond to the European Court of Human Rights judgment in *A, B and C v Ireland* (2010); and
- (b) finally give legislative effect to the 1992 Supreme Court ruling in the 'X' case.

The Act provides for access to abortion services only where a pregnant woman or girl's life, as distinct from her health, is at risk. Even for women whose circumstances meet the Act's restrictive criteria, the provisions of the Act are onerous, impractical and unworkable. The main provisions of the legislation can be summarised as follows:

## ABORTION ACCESS UNDER THE PROTECTION OF LIFE DURING PREGNANCY ACT 2013

- **Risk of loss of life from physical illness** – two medical practitioners (one must be an obstetrician) must concur that an abortion is necessary.
- **Risk of loss of life from physical illness in emergency** – one medical practitioner must approve and carry out the abortion.
- **Risk of loss of life from suicide** – three medical practitioners (one obstetrician, two psychiatrists) must agree that an abortion is necessary.
- **Review panel** – when an abortion is requested and refused, the pregnant woman may appeal and have her case reviewed by a panel of three medical practitioners.

The Abortion Rights Campaign believes the assessment procedures outlined are onerous, impractical, and unworkable. These burdensome requirements also discriminate against girls and women with mental health issues, compounding their vulnerability and placing their lives and health at greater risk. The UN Special Rapporteur on the Right to Health has criticised legislation that requires access to legal abortion to be approved by more than one healthcare provider, on the grounds that this necessarily restricts access.

This legislation is not consistent with human rights standards and has been criticised by a range of international human rights bodies..

Women and girls whose reasons for seeking a termination of pregnancy fall outside these narrow confines continue to be forced to either travel abroad to access services, to seek out illegal and possibly unsafe means of procuring an abortion, or to continue the pregnancy against their will. Section 22 of the legislation criminalises all abortions that fall outside the narrow terms of the Act – the maximum penalty for an offence under this section is 14 years imprisonment.

## SO, WHAT DOES ALL THIS MEAN FOR ABORTION RIGHTS?

In order to substantively reform Ireland's abortion laws, we need the government to call a referendum which asks voters if they want to remove (or repeal) the Eighth Amendment (Article 40.3.3) from our Constitution.

Repealing the Eighth Amendment would enable Ireland to bring our laws into line with international human rights standards and norms, thereby fully protecting the sexual and reproductive health and rights (SRHR) of women and girls in Ireland.

With the general election approaching, we need you to ask your candidates to commit to holding this referendum if they are elected to Dáil Eireann.

**Only 9% of people polled know that having an abortion carries a 14 year prison sentence in Ireland (where the persons life is not at risk)**

Source: Amnesty International Red C Poll 2015

