



Submission to the Citizens' Assembly on Gender Equality

5 March 2020

The Abortion Rights Campaign (ARC) is an all-island grassroots movement for choice and change. Since 2012 we have been raising awareness and advocating to change Ireland's abortion laws. ARC was a founding member of the 'Together For Yes' campaign which secured a resounding Yes vote in the 2018 referendum to repeal the Eighth Amendment. ARC recognises that many people, including girls, women, transgender people and non-binary people, can become pregnant and need an abortion. ARC also recognises that the Good Friday Agreement creates an obligation for equivalence in rights North and South.

While we welcome the establishment of a Citizens' Assembly on gender equality, we believe that **the Assembly's remit overlooks a crucial area: the role of reproductive self-determination, which includes access to abortion and contraception, in securing gender equality**. If people cannot control whether and when to become a parent, then they are denied the ability to control a multitude of other factors in their lives.

All of the areas the Assembly is charged with examining depend to an extent on addressing this prior issue of reproductive control and family planning. Most obvious is the connection to caring responsibilities -- individuals cannot decide whether to take on the responsibility of caring for children if they cannot control whether they have children. Caring responsibilities in turn influence the extent to which individuals can engage in paid employment and participate in public life. Finally, many gender stereotypes directly relate to women's reproductive capacity and perceived notions of women's primary identity as carers, and conversely to negative connotations, shame, and stigma associated with women's sexuality. If gender equality is to be achieved, every individual must have access to the healthcare that allows her to control her own reproductive life.

In setting out the remit for this Citizens' Assembly, members of the Oireachtas may have thought that repealing the Eighth Amendment resolved any issues with reproductive rights in Ireland. However, access to abortion and contraception remains a work in progress, and too many people are falling through the cracks of Ireland's current system. In the rest of this submission, we highlight work remaining to be done to establish these facets of reproductive autonomy, which are fundamental for gender equality in Irish society.

Problems with abortion access under the Health Act 2018

- Stigmatising and medically unnecessary waiting periods
- Arbitrary 12-week cut-off for abortion on request
- Permission for doctors to refuse to provide care
- Ambiguous criteria for abortion after 12 weeks
- Criminalisation of doctors
- Uneven provision in community and hospital settings across the country¹

All of the barriers to access listed above are especially onerous for anyone who lives in a rural area, does not have their own transportation, is disabled, is a migrant, lives in a Direct Provision Centre, homeless shelter, or insecure housing, is under the age of 16 or has

caring responsibilities. The World Health Organization (WHO) makes clear that mandatory waiting periods are not medically necessary and “can have the effect of delaying care, which can jeopardize women’s ability to access safe, legal abortion services and demeans women as competent decision-makers.” Therefore, WHO recommends that “States and other providers of health services should ensure that abortion care is delivered in a manner that respects women as decision-makers.”² Ireland is obligated to combat gender stereotypes under the UN Convention on the Elimination of All Forms of Discrimination Against Women. But the imposition of a mandatory three-day waiting period reflects and reinforces the stereotype of women as incompetent to make decisions about their own lives, in contrast to men who are not subjected to similar restrictions.

Gender equality is not only hampered by these problems with abortion provision and law; it is undermined by Government inaction as well. Despite countless promises, the Government has yet to pass legislation to regulate rogue agencies, whose sole purpose is to dissuade women from having an abortion by providing medically inaccurate ‘information’.³ In addition, the Government has yet to pass legislation to create safe access zones around healthcare facilities to protect patients, providers, and the public from harassment. The Government’s failure to act on these two pressing issues infringes on the right to access healthcare without undue interference, judgment, or intimidation.⁴

Problems with contraception access

ARC supports free contraception of an individual’s choice for everyone in Ireland. According to the Irish Family Planning Association, barriers to contraception have increased over time, just the opposite of what we would expect.⁵ The Joint Oireachtas Committee on the Eighth Amendment recognised that a full continuum of services is essential to securing reproductive autonomy, including access to free contraception. While the Health Minister has said that making contraception freely available is a priority, the initial proposal from the Department of Health fell far short of providing this service to everyone, limiting cost-free provision to 17-24 year-old women. And even that limited proposal is still just a suggestion, not a program that has been put into action.⁶

What the Assembly can do

As our discussion shows, deficiencies in Irish law and health provision stand in the way of gender equality. **We encourage the Assembly to include improvements in reproductive rights law and reproductive health services in its final recommendations**, or the progress people in Ireland have worked so hard for will stall.

¹ For more information, see Abortion Rights Campaign, “Abortion law in Ireland,” and “Submission on the General Scheme of a Bill to Regulate the Termination of Pregnancy,” August 2018, available at: abortionrights.ie

² World Health Organization, *Medical management of abortion* (2018), pp. 96-97, available at: who.int/publications

³ For example, see E. Coyne and R. Lumley, “Sex kills, anti-abortion clinic tells women,” *The Times Ireland*, April 3, 2017.

⁴ A. Conneely, “Renewed call for safe access zones,” *RTE News*, January 6, 2020.

⁵ Irish Family Planning Association, “Submission to the Working Group on Access to Contraception,” August 2019, p. 14, available at: ifpa.ie/resources/submissions

⁶ G. Ní Aodha, “Free contraception recommended for young women only, due to cost,” *The Journal*, October 29, 2019.