

# Travelling for Abortion

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# 1. Travelling for abortion

- Has become less ‘outside of law’
  - A survival strategy of escape from restrictive regimes like Ireland
  - An underground, hidden experience with the threat of investigation on exit or return (AG v X 1992; HSE v D 2007)
- And more ‘inside of law’
  - EU measures (Art 56 TFEU, Grogan ECJ 1991)
    - A right to receive abortion care which is lawful in host state even if unlawful in home state
    - No right to reimbursement unless abortion is lawful and part of health benefits package in home state
  - Local Irish measures
    - 1995 constitutionalisation of freedoms to travel and to receive abortion information
    - 2001 establishment of the Crisis Pregnancy Agency (now Crisis Pregnancy Programme) with a 3 fold mandate to support women in crisis pregnancy, reduce abortion and cp rate, and provide post pregnancy support

## 2. Limits of Travel Policies

- Consolidates non-development of local abortion services
  - Women like C who are legally entitled to life-saving abortion at home are still not being accommodated (ABC v Ireland, ECtHR 2010)
- Disadvantages women and their supporters
  - Adds a further hurdle and makes self-determination more difficult
- Discriminatory effects on abortion-seekers
  - Poorer, younger, migrant women will find it harder to travel
- Privatises provision
  - Makes access to abortion dependent on individuals providing the fees rather than a matter of public responsibility

# 3. Potential of Travel Policies?

- Enables access to quality abortion services abroad and quality pre and post abortion support services at home
  - The Positive Options and the Abortion After Care strategies promote the availability of 15 pre and post pregnancy counselling centres throughout Ireland
- Normalises abortion experiences
  - CPA annual press releases on Irish abortion rate
  - Public surveys indicate support for abortion e.g. 89% were in favour of abortion when pregnancy seriously endangered a woman's health, 45% were in favour in all circumstances, and 9% thought that abortion should not be permissible in any circumstances (CPP, 2012, p. 130).
- Publicly subsidises information, counselling and check ups for abortion users so that they are free at point of use
  - In a context where only 28% are entitled to free health care
- Undermines the moral argument against abortion
  - Constitutional law and crisis pregnancy governance find abortion (for reasons other than life-saving need) tolerable once it's extra-territorial

# 4. Towards making abortion travel a choice rather than a necessity

- Legal accommodation of abortion travel
  - is clearly insufficient for addressing women's abortion needs
  - has had contradictory effects in hindering and helping the development of conditions for local accommodation of abortion need
  - challenges abortion rights advocates in demanding transparency in and reform of local abortion laws
  - Has generated some resources for making those demands
    - Network of pro-choice pregnancy counselling centres in Ireland
    - International solidarity e.g. Abortion Support Network
    - Women's/couples' organising e.g. Termination for Medical Reasons
    - Legal recognition of freedom to travel which we must turn into freedom to choose abortion at home