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# **HOW DO NORMS RELATED TO ABORTION DIFFER BETWEEN CONTEXTS?**

A theory-testing study of Ireland and the Philippines in relation  
to the CEDAW Committee: applying norm translation

## Abstract

Women's rights to safe abortion have become recognized as a human rights imperative, and within the *Convention on the Elimination of All Forms of Discrimination Against Women* (CEDAW), States are obligated to ensure access to abortion. Despite this, abortion laws vary around the world. This suggests that norms of liberalized abortion laws *stick* better in some contexts than others. This study analyzes and compares norms related to abortion of the Philippines and the Republic of Ireland, in relation to the CEDAW Committee, through the lens of *norm translation*. The purpose is to explore to what extent the theoretical framework of norm translation can be used to understand how the government in the Philippines and respectively, Ireland, interact with human rights norms of liberalized abortion laws in the context of CEDAW, and if these interactions have produced legislative change. The study uses a qualitative content analysis to examine reports submitted as part of CEDAW's monitoring procedure. The study concludes that the CEDAW Committees' ideas on abortion coincide with those supported by the State Party of the Philippines and Ireland, to *some extent*; norm translation can describe this to a *great extent*; norm translation can help us understand how the State Parties' produce norm-consistent measures and policies to a *great extent*; norm translation cannot describe why human rights norms of liberalized abortion laws appear to have *stuck* better in Ireland than in the Philippines.

**Key words:** abortion; CEDAW; CEDAW Committee; norms; norm translation

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## 1. Introduction

Why do certain international norms *stick* better in some contexts than in others? Scholars have studied this through different lenses (Acharya 2004; Zwingel 2006; Shaffer 2012; Saati 2019; Zhukova, Sundström & Elgström 2022; Kertcher & Turin 2023), as gender equality norms have been highly integrated into international law over the last four decades. The most authoritative piece of international women's discourse is the *Convention on the Elimination of All Forms of Discrimination Against Women* (CEDAW); a convention that was adopted in 1979 by the UN General Assembly (Zwingel 2012, 115). To date, 189 of the 193 UN member states have ratified CEDAW (United Nations Human Rights Office of the High Commissioner n.d.b). However, states have interpreted the Convention in different ways. Zwingel (2006, 400) explains that some states assume that global agreements are viewed as legitimate, in accordance with a “trickle-down” approach, however she argues that the appropriation and interpretation of global norms depend on the local and national contexts around the world. This transnational approach can be applied to CEDAW, as the Convention is at the core of the norm development process and its institutionalization (Zwingel 2020, 50). Transnationality has been used to study different contexts; from the intergovernmental context in which CEDAW was created, to the arena of transnational activism, which connects the global norms that are enshrined in CEDAW, to national policy development and the local interests of women (Zwingel 2006, 402). This thesis will use transnationality to focus on a specific topic related to this broad spectrum of previous research, the topic of abortion.

International human rights norms have evolved significantly during the past two decades where they recognize the denial of access to safe abortion services as a human rights violation (Fine, Mayall & Sepúlveda 2017, 69). This has played a critical role in the liberalization of abortion laws on the national level (Fine, Mayall & Sepúlveda 2017, 70), where there is a global trend which has led to more than 60 countries liberalizing their abortion laws over the last 30 years (Center for Reproductive rights n.d.). However, abortion laws vary a great deal around the world: in some countries abortion is permitted on request, whereas in others, abortion is prohibited altogether (Center for Reproductive rights n.d.). These differences suggest that the human rights norms of liberalized abortion laws may, for some reason, “stick” better in some contexts than others (see e.g. Saati 2019, 284). In some contexts, norms are incorporated into law, while in others, they are not. This begs the question: Why do some countries reject the

norms while others adopt them? I am going to examine this question by focusing on two countries: the Philippines and the Republic of Ireland.

The Philippines ratified CEDAW in August 1981, but the first national law that adopted the treaty was passed in 2009: the *Magna Carta of Women* (MCW). The MCW aims to protect women from all kinds of discrimination, however, the final version of the law disregarded the CEDAW Committee recommendations on abortion (Francisco 2021, 119). CEDAW has been negotiated at the national level in the Philippines, but the norms of liberalized abortion laws did not “stick”. This can be compared to the case of Ireland, that ratified CEDAW in December 1985, but then continued to enforce some of the most restrictive abortion laws in the world, only permitting abortion when the pregnant woman’s life was at risk (Center for Reproductive rights 2017). This changed when the *Health (Regulation of Termination of Pregnancy) 2018 Act* was signed on January 1, 2019, which led to the permission of abortion on request up to the 12th week of pregnancy, and after a three day waiting period (Irish Family Planning Association n.d.). Thus, the human rights norms of liberalized abortion laws did, eventually, “stick” in Ireland. However, the question remains as to whether CEDAW and the CEDAW Committee have been instrumental in generating this change. In this comparative study, I will utilize the theory of transnationalization to see how robust the theory is when applied to this specific context.

### 1.1. Purpose and Research questions

The purpose of this study is to examine the translation of human rights norms between the CEDAW and the State Parties of the Philippines and the Republic of Ireland. The focus is on human rights norms related to the liberalization of abortion laws. This will be examined through the lens of transnationality, and specifically the framework of norm translation. The question this thesis wants to explore is to what extent norm translation can be used to understand how the governments in the Philippines and Ireland respectively interact with human rights norms of liberalized abortion laws in the context of CEDAW, and whether these interactions have produced legislative change in one or both contexts.

The purpose is specified in the following research questions:

1. To what extent do the CEDAW Committee's ideas on abortion coincide with ideas on abortion supported by the state delegation in the Philippines, and respectively, Ireland? To what extent can norm translation describe this?
2. To what extent can norm translation help us understand how the government in the Philippines, and respectively, Ireland produces measures and policies towards realizing the human rights norms of liberalized abortion laws?
3. Can norm translation describe why human rights norms of liberalized abortion laws appear to have *stuck* better in Ireland than in the Philippines? If so, how?

To answer these research questions, this thesis will apply the theoretical framework of norm translation and the method of qualitative content analysis. The material that is examined is reports drafted as part of CEDAW's monitoring procedure, specifically the Philippines and Ireland's State Party reports to the CEDAW Committee and the Committee's concluding observations provided to each country. In the method section of this thesis, I will explain the rationale behind my selection of the two countries in more depth and other methodological choices. The questions that read "To what extent...", will be answered in terms of: to *some extent*, or to *a great extent*.

## 1.2. Limitations

One limitation is incorporated in the choice to only study two countries: the Philippines and Ireland. Another limitation is embodied in the choice to only include each of the two country's State Party reports and the CEDAW committees' reports, and not Civil Society Organizations (CSOs) reports. The reports that are included date from 1984 to 2023, dates which define the temporal limitation of this study. Reasons for all these limitations will be described in the method section of this thesis.

## 1.3. Definition of key concepts

*CEDAW* refers to the Convention on the Elimination of All Forms of Discrimination against Women. The Convention is concerned with civil rights, the legal status of women, reproductive rights, and the impact of cultural factors on gender relations (Convention on the Elimination of All Forms of Discrimination against Women, 1979). The Convention itself does not contain

articles that explicitly refer to abortion: however, ensuring access to abortion in accordance with human rights standards is part of State obligations to ensure women's right to health and eliminate discrimination against women (United Nations Human Rights Office of the High Commissioner 2020). This is monitored by human rights treaty bodies, including the CEDAW Committee, which is composed of independent experts that follow up on developments by reviewing State Party reports and providing observations and recommendations (United Nations Human Rights Office of the High Commissioner n.d.c).

*State Parties* refers to countries that have ratified or acceded to CEDAW, through which countries have agreed to be legally bound by the treaty's provisions (United Nations n.d.).

*Legalization of abortion laws* refers to legal laws governing the person or persons involved, where and how an abortion can be provided and accessed, and in what situations safe abortions are ensured (Shakhatreh et al 2022: 374).

*Human rights norms of liberalized abortion laws* refer to norms of international human rights bodies and treaties in favor of states decriminalizing abortion and ensuring that women and girls have access to safe abortion and post-abortion services (Fine, Mayall & Sepúlveda 2017, 71). Decriminalizing abortion means eliminating punitive measures for women and girls who undergo abortions and for health care providers that deliver abortion services (Fine, Mayall & Sepúlveda 2017, 71). Norms of liberalized abortion laws are in favor of states ensuring that legal abortion services are available, accessible, affordable, acceptable and of good quality (Fine, Mayall & Sepúlveda 2017, 71).

*Abortion* refers to "the termination of pregnancy before the fetus is viable" (Benson 1977, cited in Shakhatreh et al 2022, 373).

*Safe abortion* refers to when abortions are universally accessible and affordable and available on the request of the women (Berer 2017, 13).

*Norms* refer to 'processes', that are dynamic and can be appropriated for a variety of different purposes (Krook and True 2012, 103).

*Transnationalization* refers to processes that conceptualize the global, national, and local as interrelated, questioning the homogenizing influence of globalization and rejecting the local as culturally bounded (Zwingel 2012, 23).

*Stick* refers to the degree to which a norm is diffused into domestic contexts (Saati 2019, 284). The norm may be rejected, institutionalized, or institutionalized and internalized. If the norm is institutionalized it is incorporated into law. If the norm is institutionalized and internalized the norm is incorporated into law and the government complies with it (Saati 2019, 284).

#### 1.4. Previous research

In this section I will briefly present previous research to place my research problem within the broader body of work on the topic. This outline will, however, in no way attempt to encapsulate the large body of research and literature that exists on norm diffusion and norm translation, but is rather an attempt to highlight a few empirical studies that have direct bearing on my own research problem.

As initially mentioned, scholars have studied why certain international norms *stick* better in some contexts than in others. For instance, Acharya (2004) focuses on norm diffusion at the local level; Zwingel (2006) focuses on global norm creation as an interrelationship between global, national and local spheres; Shaffer (2012) examines the effects of transnational legal processes on state change; Saati (2019) focus on norm diffusion at the state level; while others focus on norm translation across the national level (Zhukova, Sundström & Elgström 2022) and on the international level (Kertcher & Turin 2023). These studies have been carried out by scholars of sociology, transnationalism, and international relations (IR) theory. The focus of this thesis is on the theory of transnationalism, which is why I will analyze in some depth two studies using this approach.

Saati (2019) examines why the norm of “participatory constitution-making” appears to *stick* better in some contexts than in others. It is argued that the norm is, or at least is starting to, develop into a transnational legal norm in post-conflict states and in states that are transitioning from authoritarian rule (Saati 2019, 283-285). This is at odds with the view, which has been influential over the past twenty-five years, that constitution-making is something reserved for

a chosen few behind closed doors. This view has been contested in two influential reports by the former UN Secretary General Boutros-Ghali, and in the broader political science and peace-building community (Saati 2019, 283-290). Constitution-making with the assistance of ordinary people, has become part of a broader peace-building agenda. This has led to an upsurge in what is called *participatory constitution-making* (Saati 2019, 283). Saati argues that the international community brings the norm of constitution-making into post-conflict states and states in transition from authoritarian rule, and that the actors at the international and domestic levels play an important role in determining whether the norm successfully *sticks* in a specific context or not (Saati 2019, 295).

It is argued that the issue of cultural mismatch should neither be downplayed nor overemphasized as a factor in how successfully transnational norms diffuse (Saati 2019, 305). Transnational legal norms must resonate with domestic norms for them to have an impact, and this is more likely to be the case if the transnational norm agrees with the prevailing cultural and institutional context (Shaffer 2012, 256). In cases where norms are promoted by the international community and expected to be understood and incorporated by domestic actors, so called *norm enforcement*, it is difficult for domestic actors to harmonize the norm with their existing norms (Saati 2019, 295-305). However, it is argued that this is a post-colonial line of reasoning which is one dimensional, as it views international organizations as culturally ignorant and simply enforces western norms (Saati 2019, 306). All this, however, depends on the norm in question. The norm of participatory constitution-making should not be regarded as an alien concept to non-Western nations, if one finds that enjoying political rights is a natural component of an individual's life (Saati 2019, 306). If people are to engage in participatory constitution-making, they should be equipped with the proper *capabilities* to be able to exercise this right (Saati 2019, 306). The concept of capabilities will be discussed in the theory section as it aides in the clarification of the research questions of this thesis.

Another study which uses transnational theory is Zwingel (2006). This research introduces the concept of *norm translation*, which relates to the conditions in which norms become authoritative and have transnational effects (Zwingel 2006, 44). States of the Caribbean region are described as having limited engagement with global norms on women's rights, even though Caribbean feminist have been significant in shaping these norms. The article aims at understanding how Caribbean governments interact with the global women's rights framework, specifically CEDAW, and whether these interactions have produced normative change (Zwingel

2006, 44). The study applies the theoretical framework of norm translation and examines the extent to which ideas of gender equality coincide with those supported by the State delegation and the Committee. It also assesses the scope of the measures taken by the government to realize the norm. The theoretical framework leads to four outcomes: a close connection between global and domestic ideas that result in domestic practice; a close connection between global and domestic ideas, but distance between these ideas and domestic practice; a weak connection between global and domestic ideas resulting in either lack of domestic practice or the reformulation of global ideas (Zwingel 2006, 60-61). The article suggests that domestic change, if any, is slow and partial in regard to global norms (Zwingel 2006, 67). These findings are interesting in the context of human rights norms of liberalized abortion laws in the Philippines and Ireland. In the Philippines these norms seem to have led to limited, if any, domestic change, whereas in Ireland, the abortion laws have undergone a radical change.

These empirical examples capture instances where transnational approaches have been applied. This study applies transnationality and specifically the framework of norm translation, which may provide insights into why the current abortion laws in the Philippines and in Ireland differ. In the following section, this will be discussed in relation to other theoretical frameworks.

## 2. Theoretical approaches

In this section, I will describe two theoretical approaches and discuss these in relation to the topic of human rights norms for legalized abortion laws. Firstly, I will discuss the *capabilities approach* and thereby place the topic of abortion in the context of human rights, freedom, and quality of life. Secondly, I will discuss the *transnational approach*, and specifically the concept of *norm translation* that will be used as a theoretical lens in this thesis.

### 2.1. The Capabilities Approach

The Capabilities Approach (CA) emerged as an alternative to theories that view region's and nation's quality of life in terms of economic growth (Dixon & Nussbaum 2012, 67). Departing from such a narrow economic focus, the CA treats "each person as an end", focusing on the opportunity that is set available to each person (Dixon & Nussbaum 2012, 67). Amartya Sen (1999) has emphasized the importance of *capabilities* and made major contributions to the

theory of social justice and of gender justice (Nussbaum 2003, 33). *Capability* is a kind of freedom, defined by Sen (1999, 74) as the substantive freedom to achieve various lifestyles. Substantive freedoms are described as one of the constituent components of development (Sen 1999, 5). One substantive freedom is the opportunity to receive health care (Sen 1999, 5), which has become recognized as a human rights imperative, including the right to safe abortions (Fine, Mayall & Sepúlveda 2017, 69).

However, the idea and use of human rights has also met criticism, which I will now briefly outline (Sen 1999, 227-232). Firstly, there are concerns about the legitimacy of the demands for human rights, and whether they can have any real status except through legal systems sanctioned by the state. Secondly, there are concerns of the coherence between a person's right to something and an agent's duty to fulfill this right. Thirdly, there are concerns about the universality of social ethics, which the human rights authority is conditional upon (Sen 1999, 231-232). For instance, attempts have been made to generalize "Asian values" as opposed to basic political rights, and scholars have compared the West and Asia, focusing on the land east of Thailand. However, Sen (1999, 231-232) claims that no values can be applied to this large population of people which would be able to separate them from people in the rest of the world, and that the land east of Thailand itself, exhibits a great deal of diversity.

Returning to the capabilities approach, Nussbaum (2003, 40-41) has defined ten capabilities that are deemed central for a life with dignity, one of which is *Bodily Health*, which includes reproductive health. The CEDAW Committee has stated that the right to safe abortions is part of the right to sexual and reproductive health (United Nations Human Rights Office of the High Commissioner 2014, 2). In this context, it is important to outline the concept of dignity in relation to abortion. The main idea of human dignity in terms of CA is that some living conditions provide people with the opportunity of living a life that is worthy of the human dignity that they possess, and others do not. Dixon and Nussbaum (2012, 66) draw on the CA to offer a theoretical link between ideas about human dignity and constitutional abortion rights. In this perspective, the CA recognizes a variety of ways that restricting abortion legislation may violate the dignity of women by, such as, restricting their freedom of choice, damaging their health, and emotional well-being (Dixon & Nussbaum 2012, 69-70). It is argued that laws should not only protect women from burdens, but also create opportunities of choice, or full-fledged *capabilities* (Dixon & Nussbaum 2012, 70). This line of reasoning resonates with Saati's (2019, 306) in the discussion about constitution-making, but in terms of abortion: if one

finds that enjoying the right to safe abortions is a natural component of an individual's life, then the norms of liberalized abortion laws should not be regarded as an alien concept to nations outside the West. This does not mean that women must necessarily exercise this right, but that they should be equipped with the proper capabilities to do so if they want to be able to have safe abortions.

## 2.2. The transnational approach of Norm Translation

The impact of international human rights norms has interested scholars of regime analysis, norm diffusion, and literature that has a de-centered view on norms (Zwingel 2016, 11). Analysis of international regimes involves the study of concrete mechanisms of international cooperation (Zwingel 2016, 11). An international debate on human rights norms, led by scholars of IR, contains two fields of literature on global norm diffusion. One analyzes concrete mechanisms of cooperation while the other explores the emergence of norms and how they become meaningful internationally, and subsequently, in domestic contexts. Another focus of the literature is to identify concrete constellations of actors that engage in the creation and spread of norms (Zwingel 2016, 9-15). In the process of norm diffusion, norms migrate through different contexts, and they are actively interpreted, modified, and reshaped by people in discourse and practice (Draude 2017, 588). The notion of diffusion suggests that global norms spread from the global to the local, while translation points to the importance of a norm's active reception, contextual re-interpretation, and the dynamics of global norm change (Draude 2017, 589).

Zwingel (2016, 9) draws on the debate about international norms and transnationalization to create a transnational view of what is called *norm translation*. I will first briefly describe transnationality and how to apply it to an analysis of CEDAW, and then delve deeper into the theoretical framework of norm translation. Transnationality is described by Zwingel (2016, 22) through three main ideas. Firstly, a transnational perspective does not view the global, national, and local as hierarchical and separate, in contrast to the modern discourse. Instead, this view abandons assumptions that the global, national, and local are qualitatively different. All contexts are viewed through the mix of links and interconnections (Massey 1994, cited in Zwingel 2016, 22). Secondly, transnationality questions the homogenizing influence of globalization. The local is conceptualized as a site where outside influences are actively integrated and

transformed, and where “trickle-ups” are created – in contrast to “trickle-downs” integrated (Zwingel 2016, 22-23). Thirdly, transnationalization literature emphasizes that “the local” has traditionally been influenced by transnational dynamics and so it is not a culturally confined unit (Sen 1999, 242-248). When applying a transnational framework to an analysis of CEDAW, the Convention should be viewed as one of many international women’s rights norms; it is a national instrument that states have made a commitment to, and the everyday life situations in which the rights of women are realized. Norms that come from elsewhere need to be actively negotiated – not just implemented – to become legitimate. Hence, local cultural contexts are intertwined with international norms (Zwingel 2016, 23).

The theoretical framework of norm translation pays attention to the open-ended, relational, and non-linear character of norm change (Zwingel 2020, 43-47). The most important effect of this perspective is to de-center the assumption that global norms are expected to spread and that they are more comprehensive than other norms. Instead, global norms are not seen as different from other norms. The framework is sensitive to the appropriateness of global norms, which is seen as contingent upon the approval of states. Norms are not viewed as pure standards that can be fully realized. Instead, they are understood as principally incomplete (Goodale 2007, cited in Zwingel 2020, 45).

The framework of norm translation complicates the view of norm diffusion (Zwingel 2020, 43-44). It is a three-way process. Firstly, the framework recognizes norms as open-ended in terms of their unfinished character in global institutions, as well as regional and domestic contexts. This means that norms resemble an ongoing process of interpretation, and within global gender equality norms we see the rise of new normative dimensions such as in the area of reproductive rights. Secondly, the framework focuses on actors and mechanisms that connect global and domestic norms (Zwingel 2020, 45). Governments, CSOs and other private actors are the drivers of new normative formations, where the norms are “introduced, solidified, modified, renegotiated and rejected” (Zwingel 2020, 45). Thirdly, the framework distinguishes between discursive and practical normative changes. Concrete agency of governmental or non-governmental actors is required for norms to move between contexts. This translation may lead to a change of ideas and a change in practice. It is useful to make a distinction between the translation of an idea from one context to another, and the translation of an idea into practice from one context to another. This is because ideational acceptance is necessary for norm-confronting practice, however it often does not lead to this (Zwingel 2020, 46). To achieve

ideational translation, a wide range of actors need to make an external idea meaningful. However, it is hard to conceive of a fully ideational norm change, as it demands additional dynamics, including political decision-making structures, resources, and experts available and competing norms (Zwingel 2020, 45-47).

The focus of this thesis is the direct transnational interactions between the CEDAW and the State Parties of the Philippines and Ireland. This is a narrow focus in terms of norm translation, as broader domestic engagement is not analyzed (Zwingel 2020, 67). This leads to limitations in assessing how much the framework may help describe the inquiries under investigation, as the focus is only on the international level correspondence between State Parties and the CEDAW Committee. It would be valuable to include domestic engagement in the analysis, but it would result in a study of much larger scope than the one I am aiming at conducting, as this study has a limited time frame.

It may appear contradictory to study norms of liberalized abortion laws with the assumption that all nations should adopt such laws, whilst also applying a transnational approach that is opposed to the creation and adoption of norms as a top-down process. However, this line of reasoning is based on a fundamental idea in Sen's work, described by Nussbaum (2003). Nussbaum (2003, 47) argues that in some cases a set of norms should apply to all nations, rather than letting each nation justify their own norm. According to Sen: "... some human matters are too important to be left to whim and caprice, or even to the dictates of a cultural tradition" (Sen, cited in Nussbaum 2003, 47). I believe that this argument justifies the use of a transnational approach on the issue of human rights norms of liberalized abortions.

In the method section, I will specify how I will use the framework of norm translation and how I will operationalize it to be able to answer my research questions.

### 3. Methodology and material

#### 3.1. Case selection

This thesis is a comparative study of the concrete interactions between Ireland, the Philippines and the CEDAW committee working with each country. These countries were chosen to

examine the theoretical framework of norm translation in a specific and limited context. Norm translation places a lot of focus on transnational connectivity, and the framework assumes that norm translation between two contexts requires concrete interactions (Zwingel 2020, 45-55). Therefore, when choosing the states to include in this study, the states' interactions with CEDAW were examined in two steps; firstly, how each state relates to the Convention in principle, and secondly, how they relate to the Convention in terms of their responsibility to submit reports (Zwingel 2020, 55). This examination is outlined below. It shows that both countries adhere to CEDAW in both principled and substantive terms, which allows for norm translation.

The Philippines ratified CEDAW on August 5th, 1981, and the Optional Protocol of the Convention on November 12th, 2003 (United Nations Human Rights Office of the High Commissioner n.d.a). Ireland ratified CEDAW on December 23rd, 1985, and the Optional Protocol on September 22nd, 2000 (United Nations Human Rights Office of the High Commissioner n.d.a). The Philippines ratified CEDAW without any reservations. Ireland did have reservations, however they did not concern the topic of women's health and abortion (CEDAW/SP/2006/2,15). Thus, both countries have a high level of principled adherence to the Convention. The reporting frequency of each state is one way to see if this principled adherence translates into substantive commitment (Zwingel 2020, 55). Since its ratification of CEDAW, the Philippines has submitted five State Party reports: 1993, 1996, 2004, 2015 and 2021. As for Ireland, they have submitted four State reports: 1987, 1997, 2003 and 2016. This does not amount to a dialogue frequency of four years which is a requirement that is stated in CEDAW article 18. This shows that the Philippines and Ireland have had quite infrequent contact with the CEDAW Committee. But when comparing this to other states, such as was done by Zwingel (2020, 60) in the Caribbean states, a submission of four reports was deemed a substantive relationship. Thus, the Philippines and Ireland can be said to have shown a substantive commitment to CEDAW. However, the selection of these two specific countries needs to be explained further as several states live up to the adherence criteria.

Ireland and the Philippines are similar in several important ways (Vore 1995, 3). Both countries are island nations and former colonies, with a history highlighted by strong nationalist movements prior to independence. The compelling reason choosing these countries for comparison lies in the fact that the predominant religion in both countries is Catholicism, and abortion touches on central aspects of this doctrine (Blofield 2008, 400). In 1869 Pope Pius IX

prohibited all forms of abortion for Catholics, which was made a priority for the church under Pope John II up until 2005 (Blofield 2008, 400). This view relating to abortion has been upheld by Pope Francis, the Catholic Pope since 2013, and is illustrated in the following statement of Pope Francis: “Peace requires before all else the defense of life, a good that today is jeopardized ... through the promotion of an alleged “right to abortion”. No one, however, can claim rights over the life of another human being...” (Vatican 2023). This is significant, as it has been argued that countries with a higher level of Catholic religiosity are more likely to have restrictive abortion laws, while countries with lower levels have liberal laws (Minkenberg 2002 cited in Bloomer, Pierson & Claudio 2018, 13).

Thus, even though the two countries are similar in important ways, they have adopted different abortion legislations. Therefore, the choice of the Philippines and Ireland falls into the category of Most similar systems design (MSSD) (Esaiasson et al. 2017, 101). The comparison between the Philippines and Ireland does not aim to use oversimplifications about “Asian values” and “Western values”. Sen (1999, 233) describes that this is very important, as Western Europe and America have a clear tendency to assume political freedom and democracy as an ancient feature of Western culture, implying that it is not easily found in Asia. However, support for political freedom and democracy can also be found in many Asian traditions (Sen 1999, 233). Thus, my approach is not to view Ireland as a country that has “Western values”, and the Philippines as a country that has “Asian values”, but to recognize that both countries are Catholic and did, for a long time, have very restrictive abortion laws.

### 3.2. Operationalization

It is important to operationalize key concepts used in this thesis, which means translating the theoretical concepts into operational indicators (Esaiasson et al. 2017, 59). A study has high validity when there is good compliance between the theoretical definition of a concept and our operational indicator, which is crucial to provide credible conclusions about reality (Esaiasson et al. 2017, 56-57).

The following concepts will be operationalized, as these are deemed central in this thesis: *CEDAW*, *norms* and *norm translation*.

## *CEDAW*

In this thesis CEDAW is viewed as a *transnational network* enforcing women's rights, in accordance with Zwingel's (2006, 400) research. Beyond its original mandate, CEDAW has been part of a global, national, and transnational dynamic, through which it has evolved. CEDAW has inspired transnational NGO activism, which uses the Convention and increased attention on gender issues within the UN human rights framework (Zwingel 2006, 400). This thesis has a similar understanding of the Convention's role as Zwingel; it is usually not the most relevant driving force for social change, but contingent upon local and national struggles (Zwingel 2006, 402).

## *Norms*

Constructivist approaches tend to treat norms as "things", with fairly stable content. This approach directly brings the creation of norms to the foreground, and relegates the important processes that shape and re-shape these norms to the background. This perspective can be compared to a discursive approach of norms, which view norms as "processes" (Krook and True 2012, 108). In this thesis, norms are understood as *processes* rather than things, in accordance with Zwingel's (2020, 45) understanding. This understanding is adopted as it is aligned with the framework of norm translation that Zwingel (2020, 44) has suggested. Norms are not viewed as pure standards that can be fully realized, but are not. Instead, they are understood as being principally incomplete (Goodale 2007, cited in Zwingel 2020, 45).

## *Norm translation*

The framework of norm translation will be operationalized in a very similar way as was done by Zwingel (2020) because the framework was created by Zwingel. I have created specific questions that aim to answer the research questions of this thesis, inspired by the framework (see section 3.3. Choice of method).

Norm translation places a great deal of focus on transnational connectivity, and CEDAW's monitoring procedure is particularly suitable to evaluate this since it consists of encounters between CSOs, governments and the CEDAW Committee (Zwingel 2020, 44). In accordance with the theoretical framework, concrete interactions are required for norm translation between these different parties. Therefore, it has been examined how the States relate to the Convention in principle and in terms of their responsibility to submit reports (Zwingel 2020, 55). The principled adherence of states to CEDAW can be examined through studying three factors in

the following order (Zwingel 2020, 55): 1). Did the state ratify the Treaty, and if it did, when? 2). Did the state enter any reservations? 3). Did the state ratify the Optional Protocol to the Convention?

To examine if this translates into substantive commitment, the State Party's reporting frequency is suitable to evaluate as it indicates whether they are actively working with CEDAW (Zwingel 2020, 55-56). Article 18 in CEDAW states that State Parties should report within one year, after the entry into force, and thereafter every four years or on request of the Committee (Convention on the Elimination of All Forms of Discrimination against Women, 1979). Consequently, in the ideal case, there should be a dialogue frequency of four years, however, in practice many State Parties are late with their reports, which leads them to submit combined reports on behalf of the UN Secretariat (Zwingel 2020, 56). To shed light on the practices of norm translation, I have closely studied these concrete interactions between the State Parties of the Philippines and Ireland, and the CEDAW Committee, with reference to Zwingel's (2020, 60) approach when applying transnationality.

The theoretical framework of norm translation has two steps (Zwingel 2020, 60):

1. Trace how far ideas of liberalized abortion laws supported by the Committee and by the state delegation coincide, or if they do not.
2. Trace how far the government of the Philippines and Ireland produce policies and measures in the direction of realizing the norm.

After conducting these steps, the theoretical framework can result in four themes (Zwingel 2020, 60-61):

- Theme 1: A *close* connection between global and domestic ideas, resulting in *domestic practice*.
- Theme 2: A *close* connection between global and domestic ideas, but *distance between the ideas and domestic practice*.
- Theme 3: A *weak* connection between global and domestic ideas, resulting in *reformulation of global ideas*.
- Theme 4: A *weak* connection between global and domestic ideas, resulting in *lack of domestic practice*.

When the analysis of the empirical material is performed, both the Philippines and Ireland will be placed within one of these themes, in accordance with the framework.

### 3.3. Choice of method

I will use the research method of *qualitative content analysis*. Researchers of this school are interested in the meaning of different phenomena and processes that create meaning, and the fundamental idea is that meaning is not given (Esaiasson et al. 2017, 211). Instead, meaning is viewed to be *intersubjective*, which means that it is created in interactions and shared among different actors. Individuals and actors may challenge, re-interpret, and misunderstand ideas. Therefore, meaning and ideas are always potentially in change and movement, both between different contexts and over time (Esaiasson et al. 2017, 211-212). This view of meaning is similar to the norm translation framework's view of norms, namely, open-ended, relational, and non-linear (Zwingel 2020, 43-47). Therefore, this method is an appropriate choice when applying the concept of norm translation, as Esaiasson et al (2017, 213) also supports, by noting that a qualitative content analysis can address issues of norms.

Through qualitative content analysis, *meaning* will be studied in text-materials where it is expressed (Esaiasson et al. 2017, 212). In this study, text-materials consist of reports submitted as part of CEDAW's monitoring procedure. I will *systematically examine* the texts and interpret their meaning in a systematic and thematic way (Esaiasson et al. 2017, 212). This means that I will ask the text-material specific questions about the term, *norms of abortion*, and thereby utilize this method as an analytical tool. Another approach would be to critically examine the texts, which would aim at criticizing the content by using an analytic power approach (Esaiasson et al. 2017, 213-214). A critical approach would not be relevant for answering my research questions however, because I am not interested in the strength of the arguments in the text-material or on power relations found in the text-material. Furthermore, there are other methods that could have been used in this study. The most similar one is discourse analysis, which would involve, in addition to examining texts, the examination of human practice (Esaiasson et al. 2017, 215). The focus of this study is solely the text-based material, which is why a qualitative content analysis is more applicable. The text-material will be systematically asked specific questions (Esaiasson et al. 2020, 213) as I elaborate below.

1. How - in what way in the text - do the norms of abortion differ between those of the CEDAW Committee and the Philippines?
2. How - in what way in the text - do the norms of abortion differ between those of the CEDAW Committee and Ireland?
3. What measures and policies have been produced by the State Party of the Philippines – which are described in the texts – are in the direction of realizing the human rights norms of liberalized abortion laws?
4. What measures and policies have been produced by the State Party of Ireland – which are described in the texts – are in the direction of realizing the human rights norms of liberalized abortion laws?

The questions are formulated in accordance with the framework of norm translation and will provide answers that enable placing the Philippines and Ireland in one of the four Themes of the theoretical framework outlined in 3.2. Operationalization. Question 1 and 2 will provide information about whether there is a *close* or a *weak* connection between the committee's ideas on abortion and those of each state delegation, which aims to answer the first research question of this thesis. Question 3 and 4 will provide information that shows whether the measures and policies – from what is described in the texts - result in *domestic practice*, *distance between ideas and domestic practice*, *reformulation of global ideas* or *lack of domestic practice*. This aims to answer the second research question of this thesis. Results from all four specific questions aim to answer the third research question of this thesis. This is illustrated in *Table 1*.

**Table 1.** *Parameters in focus when answering each of the research questions of this thesis*

Parameters	Research Question 1	Research Question 2	Research Question 3
Specific questions, ranging from 1-4	1 and 2 are analyzed	3 and 4 are analyzed	1- 4 are analyzed
Findings from the specific questions enable placement of the countries in Theme 1-4 of the theoretical framework of norm translation	Assessing if it is a <i>close</i> or a <i>weak</i> connection between global and domestic ideas	Assessing if the measures and policies produced result in <i>domestic practice</i> , <i>distance between ideas and domestic practice</i> , <i>reformulation of global ideas</i> or <i>lack of domestic practice</i>	Findings from Research Question 1 and 2 are used to compare the connection of global and domestic ideas, and results of the measures and policies produced, between the State delegation of the Philippines, and respectively, Ireland

### 3.4. Material and criticism of sources

The focus of this study is on CEDAW's monitoring procedure and the reports that have been submitted as part of this process. The material that is included is the Philippines State Party reports, Ireland's State Party reports and the CEDAW Committee's concluding observations (COs) submitted to each of the states. CEDAW's COs are the observations and recommendations given by the Committee after considering a State Party report (United Nations Human Rights Office of the High Commissioner n.d.c). The material included in this thesis covers the entire population of reports that have been submitted over the years between 1993 and 2023. Two COs are excluded and the reasons for this are described below.

The Philippines has submitted five State Party reports and Ireland has submitted four State Party reports. One of Ireland's reports (CEDAW/C/IRL/6-7) was submitted under the simplified reporting procedure, which means that it is a more focused report (United Nations Human Rights Office of the High Commissioner n.d.d) but is still a State Party report and therefore included. The CEDAW Committee has submitted four COs to Ireland and five to the Philippines. One of the COs to Ireland (A/40/38 paras. 66-131) is excluded from this study as it was not accessible through the UN Treaty Body Database. One of the COs to the Philippines (A/39/45[VOL.I](SUPP) paras. 69-124) is excluded as it does not explicitly refer to the Philippines in the report, only to other countries. The rest of the COs are included.

The material was chosen based on the framework of norm translation, which is well suited to evaluate CEDAW's monitoring procedure since it consists of encounters between CSOs, governments and the CEDAW Committee (Zwingel 2020, 44). The material could have been chosen with a broad or a narrow approach (Esaiaasson 2017, 225). If a broad approach had been adopted, text-material from all these actors would have been included. Before deciding on what text-materials to include, I reviewed how many reports from CSOs in the Philippines and Ireland mentioned the word *abortion*. The result was seven from the Philippines and eleven from Ireland. Such a broad approach would not be possible to complete within the time frame of this thesis. If reports from CSOs were to be included, a sample would have had to be selected. Selecting such a sample would be difficult and could have serious consequences as the text-material in the reports have different views on abortion depending on the values of each CSO. Therefore, text-material from CSO has not been included in the study. This is also justified

because the framework of norm translation did not analyze text-material from CSOs, and hence, it is not part of this thesis' research questions.

A broad approach was however taken when choosing the text-material from the State Parties of the Philippines and Ireland. Thus, all reports submitted by each state are included. When it comes to the CEDAW Committee's reports, I have employed a rather narrow sample, only including the Committee's COs submitted to the Philippines and Ireland. These have been chosen taking into consideration the framework of norm translation, which is interested in the interactions between the Committee and each state. However, besides these reports, the Committee submits other reports. Some are submitted to specific states, and some are sent to all states that have ratified CEDAW; called general recommendations. These reports are not included because of the time frame of this study, and because the focus of this study is on the *interactions* between the CEDAW Committee and the Philippines, and respectively, Ireland.

Only parts of the text-material in each of the reports will be analyzed. The focus is on the content of the text-materials, and specifically on how the norms on *abortion* are expressed by the different parties involved. Thus, the study focuses on *ideas* related to abortion, by carefully documenting the views of each actor on the topic (Esaiaasson et al. 2017, 224-225). This is in line with the framework of norm translation, that focuses on ideas. This study analyzes sentences that include the word *abortion* and related paragraphs. The phrase "termination of pregnancy" is not included as the word abortion was used in the texts. The specific sentences and paragraphs that include the word abortion have been found by using the key-board shortcut *Command F*. In three reports (CEDAW/C/PHI/3; A/44/38 paras. 63-131; CEDAW/C/IRL/2-3) this shortcut could not be used because of the poor quality of the text. In these cases, a search has been done for the word abortion on the text-material that specifically relates to the topic of health care. In cases when the State Parties reported on each of CEDAW's specific articles, the topic of abortion was found under article 12 that relates to health care. In cases where reports were submitted to several countries that have ratified the Convention, only text-material concerning the Philippines and Ireland have been examined.

The empirical material will be discussed in terms of its validity and reliability. Validity refers to the ability to measure what was intended to be measured, and reliability refers to the absence of random and unsystematic errors (Esaiaasson et al. 2017, 58-64). Issues of validity may appear in relation to the chosen text-material (Boréus & Kohl 2018, 81), as the findings of this thesis

solely relies on interaction between the CEDAW Committee and the State Parties within CEDAW's monitoring procedure. This presents a challenge as, for instance, the Committee's and each State Party's *ideas of abortion* that are interpreted from the text-material, may not present each parties' actual ideas on the matter. This challenge is recognized, but in this thesis, it must be presumed that the content of the text-material presents the actual ideas of each party at the time of writing. This is because the study aims to test the theory of norm translation, and its focus lies on reports submitted as part of CEDAW's monitoring procedure. Another challenge lies in the interpretation of the text-material. My interpretation of the meaning of the text-material and consequently my empirical findings, may be different from someone else's. This presents serious limitations in terms of the study's reliability, that are discussed further in my concluding remarks (section 5 of the thesis).

### 3.5. Description of analysis

The empirical material will be analyzed through interpretation. In this study, the social, cultural and in some cases temporal distance is quite large between myself and the context I am studying. This is because my pre-understanding and knowledge of the social and cultural context of CEDAW, the Philippines and Ireland, is limited. This affects my ability to interpret the texts, and another person with more knowledge of the context may interpret the texts differently (Esaiasson et al. 2017, 227). However, I am to ensure valid results through maintaining a transparent and open argument. The texts are interpreted *generously*, which means that they are interpreted without prejudice, and that the texts are tackled with the idea that their position is worth taking seriously (Esaiasson et al. 2017, 227-228).

In the following, I describe how the analysis has been carried out. Firstly, I found and read the parts of the material presented above that refer to *abortion*. Then, I asked my specific questions to the text-material in a systematic way. This was done in an active manner, by taking notes and underlining important parts. The results of the content analysis have been reported in citations, references, and argumentative conclusions (Esaiasson et al. 2017, 233); in a structure that answers each specified question, one at a time.

## 4. Results and analysis

In this section, findings from the empirical analysis are presented and analyzed in relation to the research questions of this thesis. The outline of this section is as follows. I start by answering Questions 1 – 4 that were presented in section 3.3. Choice of Method. Then, the results of each question are discussed in relation to the research questions and the theoretical models used in this thesis, including norm translation and the capabilities approach.

#### 4.1. Empirical Findings

##### **Question 1: How - in what way in the text - do the norms of abortion differ between those of the CEDAW Committee and the Philippines?**

The norms related to abortion differ in several ways between the CEDAW Committee and the Philippines. First and foremost, they have different views on the legislation about abortion. The CEDAW Committee recommends that the Philippines legalize abortion in certain circumstances: in cases of risk to the life or health of the pregnant woman, rape, incest, or severe fetal impairment, and to decriminalize abortion in all other cases (CEDAW/C/PHL/CO/9, 13-14). The State Party of the Philippines does not share this view on the matter. In the Philippine State Party report of 2021, the following is cited:

“Abortion, when practiced by the woman herself or her parents, for the purpose of concealing the woman’s dishonour is still considered a felony under Article 258 of the RPC.” (CEDAW/C/PHL/9, 27).

RPC refers to Revised Penal Code. This citation portrays abortion as something that a woman can do to “conceal her dishonour”, which appears to be the Philippine State’s view on abortion. This can be traced to text-material submitted in the year of 1992, where the representative of the Philippines reports that, “... there were no plans to revise the law on abortion as there was a strong lobby against it in the Philippines, where the Roman Catholic Church was influential.” (A/46/38 paras. 199-223, 43). While the CEDAW Committee has recommended the Philippines to remove punitive provisions imposed on women who have abortions (CEDAW/C/PHI/CO/6, 6), the Philippine State, in 1993, filed a bill in congress to increase the term of imprisonment for those who practice, or assist in the practice, of abortion (CEDAW/C/PHI/3, 53-54). This shows that the norms related to abortion legislation differ greatly between those of the CEDAW Committee and those of the Philippine state.

However, the norms related to abortion do not differ on all points. One issue concerning these norms is the prevention of unintended pregnancies, which both parties support in the text-material. The CEDAW Committee "...requests the State Party to strengthen measures aimed at the prevention of unwanted pregnancies" (CEDAW/C/PHI/CO/6, 6), by making contraceptives more available and by increasing knowledge and awareness of family planning. The Philippine State has adopted a policy in line with these recommendations, which strengthens the provision of family planning services to help women prevent future unintended pregnancies (CEDAW/C/PHL/9, 28). This is connected to the issue of unsafe abortions, which both parties appear to deem as problematic. The CEDAW Committee advocates that the complications that arise from unsafe abortions be managed through access to quality services (CEDAW/C/PHI/CO/6, 6) and advises the Philippine State to have laws and policies in place that prevent and manage post abortion complications which may benefit women who have unsafe abortions (CEDAW/C/PHL/7-8, 31). However, even though both parties aim to prevent the occurrence of unsafe abortions, there is a fundamental difference in the way that they propose to address the issue. The CEDAW Committee recommends removing punitive provisions on the law concerning abortion (CEDAW/C/PHI/CO/6, 6), however, the Philippine State's response has been to maintain the illegal status of abortion, and then manage any post-abortion complications that arise (CEDAW/C/PHL/7-8, 31).

Lastly, norms on abortion differ greatly between the CEDAW Committee and the Philippine State delegation when it comes to the rights of the pregnant woman versus the rights of the fetus. In the CEDAW Committee COs to the Philippines, the following is stated:

"The Committee expresses its concern about the inadequate recognition and protection of the reproductive health and rights of women in the Philippines. The Committee is concerned at the high maternal mortality rates, particularly the number of deaths resulting from induced abortions, ..." (CEDAW/C/PHI/CO/6, 6).

This citation highlights the Committees' concerns about the number of women dying from induced abortions. This can be compared to the Philippine State 1987 Constitution that underscores the "...need to equally protect the life of the mother and the life of the unborn from conception." (CEDAW/C/PHL/9, 27). This contrasts the different views held on the rights of women when it comes to abortion. This indicates that there is a *weak* connection between the

ideas of the CEDAW Committee and those of the Philippine state when it comes to the legislation of abortion and the rights of women who undergo abortions.

**Question 2: How - in what way in the text - do the norms of abortion differ between those of the CEDAW Committee and Ireland?**

The norms of abortion differ in several regards between those of the CEDAW Committee and Ireland. They have different views on legislation relating to abortion. The CEDAW Committee recommends the State Party to:

“... legalize the termination of pregnancy at least in cases of rape, incest, risk to the physical or mental health or life of the pregnant woman, and severe impairment of the foetus, and decriminalize abortion in all other cases.” (CEDAW/C/IRL/CO/6-7, 12).

In Ireland, abortion has been illegal since 1861 and the provision is supported in Article 40.3.3 of the Irish Constitution, from 1983 (CEDAW/C/IRL/2-3, 109). While the State delegation of Ireland describes that Irish woman “... could avail themselves of legal and safe abortion facilities in the United Kingdom” (A/44/38 paras. 63-131, 27), the CEDAW Committee has concerns that women and girls are compelled to travel outside of Ireland to obtain an abortion.

“Women and girls without means to travel outside the State Party to obtain an abortion, such as poor women, asylum seekers and migrant women and girls, may be compelled to carry their pregnancies to full term or to undertake unsafe abortion, which may lead to severe mental pain and suffering” (CEDAW/C/IRL/CO/6-7, 12).

The Committee and Ireland have different opinions on whether abortion should be legal in Ireland, but it appears that they share similar opinions on women being able to *access legal and safe abortion facilities*. However, the State Party of Ireland only permits abortions in Ireland when there is a real and substantial risk to the life, as distinct from health, of the mother, which can only be avoided by such termination (CEDAW/C/IRL/2-3, 109-110). The Committee is concerned that access to abortion in Ireland is restricted to only those cases (CEDAW/C/IRL/CO/6-7, 11-12).

That said, it should be noted that ideas on abortion do not differ in all regards between the Committee and the Irish State. The Irish State delegation report of 2016 states that “Abortion aftercare services, including post-abortion medical check-ups and post-abortion counseling, are available free of charge to all women living in Ireland.” (CEDAW/C/IRL/6-7, 39). The CEDAW Committees COs to Ireland in 2017 recommend Ireland to “Ensure post-abortion health-care services for women irrespective of whether they have undergone an illegal or legal abortion.” (CEDAW/C/IRL/CO/6-7, 12). In the first citation, it appears that both women who have undergone an illegal abortion and those who have undergone a legal abortion can receive abortion aftercare services free of charge. The second citation places emphasis on the State delegation to *ensure* that all women can access these services. Accordingly, it seems that both parties aim to make post-abortion services available to all women, but the Committee goes one step further in wanting the Irish State delegation to *ensure* that this is the case.

It is difficult to assess the extent of agreement between the CEDAW Committee and the Irish State delegation in terms of their ideas on abortion because of the parties’ different views on the national legislation relating to abortion in Ireland, but the similar views on post-abortion care and women being able to access safe and legal abortion facilities. Nevertheless, overall, there appears to be a *weak* connection on ideas related to abortion between the CEDAW Committee and the State delegation of Ireland. This is because the very restrictive abortion laws in Ireland do not reflect the Committee’s recommendations relating to the legalization of abortion. This is interesting, because only two years after the last report was submitted by the Committee in 2017, Ireland’s abortion laws changed drastically. This could not have been predicted based solely on an analysis of the text-material that was selected for this thesis. The implications of this will be developed in the discussion section.

**Question 3: What measures and policies have been produced by the State Party of the Philippines – that are described in the texts – are in the direction of realizing the human rights norms of liberalized abortion laws?**

A limited number of measures and policies were found in the text-material produced by the state delegation of the Philippines are in the direction of realizing the norms of liberalized abortion laws. This is not surprising, given that the country has one of the world’s most restrictive abortion legislations (Center for Reproductive rights n.d.).

The first measure or policy that was produced was found in the Philippine State report of 2004 (CEDAW/C/PHI/5-6, 123), in the form of a policy development document. Following is described:

“Through Administrative Order No.1-A issued in January 1998, the health department defined a reproductive health framework that incorporated ten elements of the Reproductive Health Package, namely: ... (3) prevention and management of abortion complication...” (CEDAW/C/PHI/5-6, 123).

The policy itself does not lead to liberalized abortion laws, as the State may still be for legal barriers against abortion, but it may be viewed as being in the *direction* of realizing this norm. The policy indicates that Filipino women who undergo an abortion should receive help with abortion complications, because within the adopted reproductive health framework, the issue of preventing abortion complications and managing abortion complications is prioritized.

Further measures and policies produced by the state delegation of the Philippines addressed the topic of abortion complications. This is described in the text-material of the Philippines State report of 2015 and 2021. The *Responsible Parenthood and Reproductive Health* (RPRH) law was passed in 2012 after contentious debates in Congress and a great deal of resistance from different sectors (CEDAW/C/PHL/7-8, 2). The RPRH law acknowledges that abortion is not allowed under Philippine law, but the law also “manages a range of reproductive health services addressing prevention and management of post abortion complications which may benefit those women who have unsafe abortions and who seek medical treatment because of complications.” (CEDAW/C/PHL/7-8, 31). It appears that this policy goes a step further than the Reproductive Health Package, because the Implementing Rules and Regulations of the RPRH specify that the government should ensure that women seeking care for post-abortion complications shall, “...be treated and counselled in a humane, non-judgmental and compassionate manner in accordance with law medical ethics” (CEDAW/C/PHL/7-8, 31).

Another policy that is found addresses the challenges experienced by women in post-abortion care (CEDAW/C/PHL/9, 27), and in 2018, the State adopted a policy which allows health care service providers to initially manage post-abortion cases in primary care facilities (CEDAW/C/PHL/9, 27-28). The measures and policies described can be argued as being a move toward the liberalization of abortion laws, as this norm promotes post-abortion care and good treatment of women who undergo an abortion. Nevertheless, no measures or policies have

been produced by the Philippine state that change the current abortion legislation. Rather, measures and policies have been found in the text-material that point toward movement in the opposite direction. This is the case in the Philippine state report of 1993, where a pending bill in congress, Senate Bill 1109, stated:

“An Act which increases the penalty of imprisonment for the physicians, midwives and nurses who use their knowledge and skill to practice or assist in the practice of abortion.” (CEDAW/C/PHI/3, 53-54).

Resistance towards legalizing abortion laws was also found in the Philippine State Party report of 2004 (CEDAW/C/PHI/5-6, 127) where the explanatory note of a bill that cited the need to remove legal barriers to abortion led to heated debates. Most recently, in the State Party report of 2021, it is stated that, “...the 1987 Constitution underscores the need to equally protect the life of the mother and the life of the unborn from conception.” (CEDAW/C/PHL/9, 27).

Thus, a limited number of measures and policies have been found in the text-material that was produced by the Philippine state in the direction of realizing the norms of liberalized abortion laws. To the contrary, measures and policies in the opposite direction are continuously produced and underscored. Indeed, some policies address post-abortion complications and aim to prevent and manage such complications. However, measures and policies that legalize abortion and make abortions more accessible have not been produced or adopted. Therefore, the measures and policies produced by the Philippine state have resulted in a *lack of domestic practice*.

**Question 4: What measures and policies have been produced by the State Party of Ireland – which are described in the texts – are in the direction of realizing the human rights norms of liberalized abortion laws?**

Only a limited number of measures and policies were found in the text-material that have been produced by the state delegation of Ireland in the direction of realizing the norms of liberalized abortion laws. This is surprising, as Ireland liberalized abortion laws after the adoption of *Health Act 2018*, which is only two years after the latest report was submitted by either the State delegation of Ireland or the CEDAW Committee. This point will be further developed under the section 4.2. Answering the Research Questions.

The first measure or policy that relates to abortion norms was found in Ireland's State report of 1997 (CEDAW/C/IRL/2-3, 109) which refers to a decision of the Supreme Court in 1992. The decision took into consideration Article 40.3.3 of the Irish Constitution, which enshrines the prohibition of abortion and protects the life of the unborn. The effect of this Supreme Court decision in 1992 meant that:

“...termination of pregnancy is permissible in the State where there is a real and substantial risk to the life, as distinct from the health, of the mother which can only be avoided by such termination and that a risk of suicide may constitute a real and substantial risk” (CEDAW/C/IRL/2-3, 109).

The citation describes one situation where abortion (termination of pregnancy) is permitted in Ireland, which is when there is a real and substantial risk to the life of the mother which can only be avoided by such termination. In such cases, this decision may result in domestic practice. In all other cases, this decision leads to lack of domestic practice.

Another measure or policy relating to abortion norms was found in Ireland's State Party report of 1997 (CEDAW/C/IRL/2-3, 109-110). The Irish Constitution was amended by referendum in 1992 to ensure that Article 40.3.3 could not be used. This was done for two reasons. Firstly, to allow a pregnant woman to travel abroad, irrespective of the purpose of her travels, and secondly, to allow the dissemination of information about abortion services that are lawfully available in other states (CEDAW/C/IRL/2-3, 109-110). This amendment may be seen as being in the direction of realizing norms of liberalized abortion laws, as obstacles were removed that prevented women from traveling to undertake abortions and that prevented dissemination of information about abortion services. This does not lead to *domestic* practice, but makes the practice of abortion easier to access in the United Kingdom. However, as the amendment was a result of a referendum, the people of Ireland were responsible for its passing and not the State delegation of Ireland.

Another measure or policy was found in Ireland's State Party report of 2003 (CEDAW/C/IRL/4-5, 95), where the State had proposed a constitutional referendum on the issue of abortion. If the proposal had been approved, it would have led to a more restrictive abortion legislation because the threat of suicide would no longer be grounds for legal abortion in Ireland. Therefore, the referendum proposal can be seen as an attempt by the government to move away from more

liberalized abortion laws. The proposal was defeated by the people of Ireland. As the policy was supported by the Irish State, but not approved by the people of Ireland, this may indicate that the Irish people are more in favor of liberalized abortion laws than the state of Ireland.

In Ireland's State Party report of 2016 (CEDAW/C/IRL/6-7, 39) a measure, in the form of a campaign, was found. The Abortion Aftercare campaign, "...aims to raise awareness of the availability of free State-funded post-abortion medical check-up and counselling services" (CEDAW/C/IRL/6-7, 39). This campaign is taken to be in the direction of realizing the norms of liberalized abortion laws, as post-abortion care is a central part of these norms. The campaign may lead to domestic practice, in terms of increased post-abortion health services.

The campaign was developed by the Crisis Pregnancy Programme (CPP), which is a state agency that works to reduce the incidence of crisis pregnancy, including abortion, among women living in Ireland (CEDAW/C/IRL/6-7, 39). The measures taken to reduce the number of abortions is difficult to assess in relation to norms of liberalized abortion laws, as the CEDAW Committee does not address this topic in its COs to Ireland. It is difficult to analyze because efforts to reduce the number of abortions may be supported by both those in favor of, and against, liberalized abortion laws. The motive for reducing the number of abortions is not described in the text-material. However, reading Ireland's State Party reports and comparing them to the CEDAW Committee's reports, may clarify the motive. The CEDAW Committee expresses concerns over the following:

"Article 40.3.3 of the Constitution (also known as the Eighth Amendment), which protects the right to life of the unborn and therefore unduly restricts access to abortion, has not been amended." (CEDAW/C/IRL/CO/6-7, 3).

This citation indicates that the life of the unborn is prioritized in the Irish Constitution. Taking this into consideration, measures and policies taken by Ireland's State Party which aim at reducing the number of abortions are not viewed as moving in the direction of realizing the norms of liberalized abortion laws, but rather away from it. This results in lack of domestic practice as the measures and policies will not lead to more abortions in Ireland.

Thus, a limited number of measures and policies found in the text-material that have been produced by Ireland's State Party in the direction of realizing the norms of liberalized abortion

laws, and measures and policies in the opposite direction have been produced. The measures and policies produced by Ireland's State Party result in a *lack of domestic practice*.

#### 4.2. Answering the Research Questions

Research Question 1: *To what extent do the CEDAW Committee's ideas on abortion coincide with ideas on abortion supported by the state delegation in the Philippines, and respectively, Ireland? To what extent can norm translation describe this?*

This research question will be answered using findings from Questions 1 and 2 presented above. Findings from both questions found a *weak* connection between the CEDAW Committee's ideas on abortion and those of each of the State Parties. This means that the CEDAW Committee's ideas on abortion only coincide with ideas on abortion supported by the State Party of the Philippines, and respectively Ireland, *to some extent*. The issue of liberalized abortion laws displays a normative discrepancy between the views of the CEDAW Committee and the State Party of the Philippines, and respectively, Ireland.

This normative discrepancy was found related to ideas of the legislation on abortion. The CEDAW Committee recommended each State Party to legalize abortion under certain circumstances and to decriminalize abortion in all other cases (CEDAW/C/PHL/CO/9, 13-14; CEDAW/C/IRL/CO/6-7, 12). However, in the Philippines, abortion has remained a felony (CEDAW/C/PHL/9, 27), and in Ireland abortion was, at that time, only permitted when there was a real and substantial risk to the life of the mother which could only be avoided by such termination (CEDAW/C/IRL/2-3, 109).

Different normative discrepancies were also found between the Committee and each State Party. The State Party of the Philippines and the Committee had the common aim of preventing unintended pregnancies, and the Irish State Party and the Committee shared the common aim of making post-abortion services available to all women in Ireland. This shows that the CEDAW Committees' ideas on abortion coincide, in part, with ideas on abortion supported by the State Party of the Philippines, and respectively, Ireland. However, this is only so in a limited number of cases, and for the most part, the opposite is the case, which is why their ideas only coincide *to some extent*.

Within the limitations of this study, it was found that the theoretical framework of norm translation can explain this discrepancy to a *great extent*. If the study had incorporated material from more recent years, the theoretical framework would have been more relevant. This is because much has happened in terms of measures and policies produced by the State Party of Ireland on the topic of abortion, since the last report was submitted in 2017. If the Irish State Party had submitted a State Party report on developments leading to the change of the national legislation, the findings from the empirical analysis may have led to a very different result. This is an important limitation which is not related to the framework of norm translation itself, but is instead, a limitation of the material included in this thesis.

The theoretical framework of norm translation is deemed to describe, to a *great extent*, the connection between the CEDAW Committees' ideas on abortion with those supported by the state delegations of both the Philippines and Ireland. The baseline parameters of this study were met in terms of having a sufficient number of submitted reports within the time frame and having a sufficient amount of relevant data for analysis. I have chosen to grade the extent to which the theoretical framework can explain the connection between the different parties' ideas in terms of two categories: to *some extent*, or to a *great extent*. As my results fall into one of the outcomes of the framework, finding a *weak* connection between the CEDAW Committees' ideas on abortion and those of each State Party, the theoretical framework can be said to explain the data to a *great extent*. The application of the theory allows for findings in the text-material that range from a *close* connection to a *weak* connection between the ideas on abortion of each state and the CEDAW Committee; however, the framework is not explicit as to what parameters are necessary and sufficient to be able to apply the theory in a given context. This leads to limitations in the reliability of the study related to this specific question. In this regard, my findings relating to this question are not robust.

These findings can be discussed in relation to the capabilities approach. It was found that the State Party of the Philippines and respectively, Ireland, had restrictive abortion legislation in place that, according to the CA, may violate the dignity of women (Dixon & Nussbaum 2012, 69-70). In contrast, the CEDAW Committee supported laws that protect women from burden, through legalizing abortion in some cases, and laws that create opportunities of choice, through decriminalizing abortion in all cases. The opportunities of choice are called full-fledged capabilities (Dixon & Nussbaum 2012, 70). In this sense, the *weak* connection between the

CEDAW Committees' ideas on abortion and those supported by the State Party in the Philippines and Ireland, can be explained by the different parties' ideas on abortion either as capabilities, or not.

Research Question 2: *To what extent can norm translation help us understand how the government in the Philippines, and respectively, Ireland produce measures and policies towards realizing the human rights norms of liberalized abortion laws?*

This research question will be answered using findings from Question 3 and 4 presented above. Findings from both questions suggest that the measures and policies produced by the State Party of the Philippines and Ireland respectively result in a *lack of domestic practice*. This conclusion is based on only finding a limited number of norm-consistent measures and policies in the text-material, and that no measures or policies have been produced by the State Parties that legalize abortion and make abortions more accessible. There is one exception: a decision by the Supreme Court in Ireland in 1992, that led to abortion being permitted in Ireland when there is a real and substantial risk to the life of the mother which can only be avoided by such termination (CEDAW/C/IRL/2-3, 109). The decision is norm-consistent but only led to the legalization of abortion in very specific circumstances, and therefore cannot be seen as a major step forward in the liberalization of abortion laws.

By reading and interpreting the text-material through the lens of norm translation, measures and policies were found that were produced by each State Party that move in the direction of realizing the human rights norms of liberalized abortion laws. For instance, the State Party of the Philippines adopted a policy in 2004, which indicates that Filipino women who undergo an abortion should receive help with abortion complications (CEDAW/C/PHI/5-6, 123). In Ireland, a campaign was held in 2016 to raise awareness of the availability of free State-funded post-abortion medical check-up and counselling services (CEDAW/C/IRL/6-7, 39). However, besides these norm-consistent measures and policies, norm-inconsistent measures and policies were also found in the text-materials.

Because of this, empirical findings of measures and policies that have been produced which move away from realizing the human rights norms of liberalized abortion laws have also been included in this thesis. In other words, both norm-consistent measures and policies and norm-inconsistent measures and policies have been included, because norm-inconsistent measures

reveal important implications for the results. This is not fully aligned with the framework of norm translation, which only includes norm-consistent measures and policies. However, if such an approach was taken when interpreting the text-material of this thesis, an extremely narrow picture would have been presented, as norm-inconsistent measures and policies have been continuously emphasized in the text-material. This highlights a limitation of the framework regarding the extent to which it can help us understand how far norm-consistent measures and policies are produced by the governments.

Two additional limitations have been found when applying norm translation within the scope of this thesis. Firstly, the State Parties of the Philippines and Ireland have, most likely, produced measures and policies related to the topic of abortion that are not described in the text-material of this thesis. Secondly, the measures and policies that are described in the text-material may not actually result in the outcomes that are described in the text-material, or they may result in other outcomes. It should be noted that these limitations could be resolved by including a wider range of material. Therefore, these limitations are overlooked when assessing the extent to which the framework can help us understand the production of norm-consistent measures and policies by the governments.

To summarize, norm translation can help us understand the extent to which the governments of the Philippines and Ireland produce measures and policies towards realizing the human rights norms of liberalized abortion laws to a *great extent*, in cases of norm-consistent measures and policies. However, the framework can only describe this to some extent in cases of norm-inconsistent measures and policies. As the framework only includes norm-consistent measures and policies, it is deemed as being able to help us understand the extent to which the State Parties produce measures and policies to a *great extent*. These findings will be part of the discussion relating to the capabilities approach.

As only a limited number of norm-consistent measures and policies were found in the text-material, an interesting question arises: Are the State Parties capable of producing legislative change on abortion? Theoretically, they are, if a bill is passed by both the lower house and the upper house and approved by the president in each state (Oireachtas 2023; Official Gazette n.d.). However, practically, it seems that something is stopping them, or is stopping the Philippine State Party and did stop the Irish State Party up until the end of 2018, before the change in abortion legislation. This might have to do with the State Parties' not viewing abortion

neither as a natural component of an individual's life, nor as a capability. If abortion was viewed in these terms, women should be equipped with the proper capabilities to exercise safe abortions if they wanted to, and liberalized abortion laws would be deemed central for a life with dignity. However, this conclusion presumes that abortion is seen as a part of the right to reproductive health. The Committee supports this (United Nations Human Rights Office of the High Commissioner 2014, 2), but not the State Parties, of what appears, as both have implemented other reproductive health policies and retained restrictive abortion legislation. This discrepancy may be a result of various factors, one of which may be the fact that the predominant religion in both countries is Catholicism and that through this doctrine, the right to life of the fetus has been emphasized. However, irrespective of the reasons for the discrepancy, it leads to challenges when applying the framework of norm translation, because several measures and policies produced by the State Parties do not support the liberalization of abortion laws.

Research Question 3: *Can norm translation describe why human rights norms of liberalized abortion laws appear to have stuck better in Ireland than in the Philippines? If so, how?*

Within the scope of this thesis, norm translation cannot describe why human rights norms of liberalized abortion laws appear to have *stuck* better in Ireland than in the Philippines. Findings from the empirical analysis do not show that Ireland has moved towards liberalizing its abortion laws. A *weak* connection is found between the CEDAW Committee and the Irish State Party's ideas of abortion, and only a *limited* number of measures and policies have been produced by the State Party in the direction of realizing the norms of liberalized abortion laws. The same results were found for the Philippines. As the results did not differ when comparing the norms of liberalized abortion laws between the Committee and each State delegation, norm translation cannot describe why the norms appear to have *stuck* better in Ireland than in the Philippines. However, the framework may only be partly to blame.

The fault may lie in limitations of the material included in this thesis. The Irish State Party has not submitted a State Party report since 2016, and the change in abortion legislation occurred at the end of 2018. The framework would have had better data to be able answer this question if reports had been submitted closer to the date of the legislative change. At the same time, the material was chosen in line with the framework, as the monitoring procedure was in focus. Therefore, I believe that the framework may well have been able to answer why norms *stuck* better in Ireland than the Philippines if reports had been submitted late enough for the change

to be reported on. However, only from a very narrow perspective. This is because the situation would only be studied from the State Party's perspective. Many other factors may play a crucial role in why norms *stick* better in one context than another: such as strong lobbying from local CSOs in the direction of liberalized abortion laws. Therefore, the findings from a study that applies the narrow approach of norm translation as was done in this thesis, can only present a very narrow picture. This presents serious limitations in terms of the conclusions and generalizations that can be drawn from the study.

## 5. Conclusion

This study has sought to examine the translation of human rights norms of liberalized abortion laws between the CEDAW Committee and the State Parties of the Philippines and the Republic of Ireland. The interaction of each State Party in relation to the CEDAW Committee has been examined through CEDAW's monitoring procedure, as well as whether these interactions have produced legislative change. All this has been examined through the lens of norm translation.

It was found that the CEDAW Committees' ideas on abortion coincide with ideas on abortion supported by the State Party of the Philippines and those of Ireland, to *some extent*. It was found that norm translation can describe this to *a great extent*. As the framework only includes norm-consistent measures and policies, it is deemed as being able to help us understand the State Parties' measures and policies to *a great extent*. Within the scope of this thesis, it was found that norm translation cannot describe why human rights norms of liberalized abortion laws appear to have *stuck* better in Ireland than in the Philippines. These findings enable a placement of the State Party of the Philippines, and Ireland, in *Theme 4* of the norm translation framework, representing: *A weak connection between global and domestic ideas, resulting in lack of domestic practice*. This is based on results from the empirical analysis, which showed a *weak* connection between global and domestic ideas for both State Parties, and a *lack of domestic practice* in both countries.

These findings reveal opportunities as well as limitations concerning the use of norm translation. Opportunities include the framework's ability to explain both, the extent to which the CEDAW Committees' ideas of abortion coincide with those supported by the State Parties, and the extent to which the State Parties' have produced norm-consistent measures and policies

in line with these ideas. These findings strengthen the idea that the framework may be able to contribute to furthering our understanding of ideas on abortion between different parties, and of the policies and measures taken based on these ideas. However, limitations include the framework's inability – within the scope of this thesis - to describe why human rights norms of liberalized abortion laws appear to have *stuck* better in Ireland than in the Philippines. Limitations were also found in the framework's lack of guidelines on what criteria had to be fulfilled for a) a *close* or a *weak* connection between ideas, and b) *domestic practice, distance between ideas and domestic practice, reformulation of global ideas* and *lack of domestic practice*. This presented a challenge when applying the framework, as interpretation of the text-material may lead to different conclusions for different researchers. Therefore, the theoretical framework is found useful for the analysis of this thesis' aim and research questions, but the results of this thesis cannot be generalized.

Further research that includes CSOs may contribute to further understanding of why norms *stick* better in some contexts than in others. Reports submitted by CSOs in each country, may have ideas on abortion that coincide - to a *great extent* - with the ideas of the CEDAW Committee, and the measures and policies may be viewed as moving in the direction of realizing these ideas. However, even though CSOs were included, the framework may still not be able to describe why human rights norms of liberalized abortion laws appear to have *stuck* better in Ireland than in the Philippines. Despite there being a limited number of norm-consistent policies implemented in the Irish State Party reports, there was a fundamental change in abortion legislation which occurred just two years after the last report that was submitted. This raises the question of whether the dialogue between the State Parties and the CEDAW committee has had any real effect on change in the countries examined. This study, with its limited scope, would seem to indicate that its importance should not be automatically assumed. Other factors may well have generated the judicial changes relating to abortion in Ireland. Further research is needed on the topic to establish the driving forces at work.

## References

- A/44/38 paras. 63-131. (1987). United Nations. *Report on the Committee on the Elimination of All Forms of Discrimination against Women, Eight session, Ireland.*
- A/46/38 paras. 199-223. (1992). United Nations. *Report of the Committee on the Elimination of All Forms of Discrimination against Women, Tenth session, General Assembly.*
- A/54/38/Rev.1(SUPP) paras. 161-201. (1999). Committee on the Elimination of All Forms of Discrimination against Women. *Report of the Committee on the Elimination of All Forms of Discrimination against Women, Twentieth session (19 January- 5 February 1999) Twenty-first session (7-25 June 1999), General Assembly.*
- A/60/38(SUPP) paras. 359-405. (2005). Committee on the Elimination of All Forms of Discrimination against Women. *Report of the Committee on the Elimination of All Forms of Discrimination against Women, Thirty-second session (10-28 January 2005) Thirty-third session (5-22 July 2005), General Assembly.*
- Acharya, A. (2004). How Ideas Spread: Whose Norms Matter? Norm Localization and Institutional Change in Asian Regionalism. *International Organization* 58(2): pp. 239–275.  
<https://doi.org/10.1017/S0020818304582024>
- Berer, M. (2017). Abortion Law and Policy Around the World: In Search of Decriminalization. *Health and Human Rights* 19(1): 13–27.  
<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5473035/> (Accessed 2024-04-09).
- Blofield, M. (2008). Women’s Choices in Comparative Perspective: Abortion Policies in Late-Developing Catholic Countries. *Comparative Politics* 40(4): pp. 399–419.  
<https://doi.org/10.5129/001041508X12911362383273>
- Bloomer, F., Pierson, C. & Claudio, S. E. (2018). *Reimagining global abortion politics: a social justice perspective*. Bristol University Press. <https://doi-org.proxy.ub.umu.se/10.46692/9781447340447>

Boréus, K. & Kohl, S. (2018). Innehållsanalys. In Boréus, K. & Bergström, G. (eds.). *Textens mening och makt: Metod i samhällsvetenskaplig text- och diskursanalys*. Studentlitteratur AB, pp. 49–89.

CEDAW/C/IRL/2-3. (1997). Committee on the Elimination of All Forms of Discrimination against Women. *Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women, Second and third periodic reports of States parties, Ireland.*

CEDAW/C/IRL/4-5. (2003). Committee on the Elimination of All Forms of Discrimination against Women. *Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women, Combined fourth and fifth periodic reports of States parties, Ireland.*

CEDAW/C/IRL/6-7. (2016). Committee on the Elimination of All Forms of Discrimination against Women. *Consideration of reports submitted by States parties under article 18 of the Convention pursuant to the simplified reporting procedure, Combined sixth and seventh periodic reports of States parties due in 2016, Ireland.*

CEDAW/C/IRL/CO/6-7. (2017). Convention on the Elimination of All Forms of Discrimination against Women. *Concluding observations on the combined sixth and seventh periodic reports of Ireland.*

CEDAW/C/PHI/3. (1993). Committee on the Elimination of All Forms of Discrimination against Women. *Consideration of reports submitted by States parties under article 18 of the Convention, Third periodic report of State Party, the Philippines.*

CEDAW/C/PHI/4. (1996). Committee on the Elimination of All Forms of Discrimination against Women. *Consideration of reports submitted by States parties under article 18 of the Convention, Fourth periodic reports of States parties, the Philippines.*

CEDAW/C/PHI/5-6. (2004). Committee on the Elimination of All Forms of Discrimination against Women. *Consideration of reports submitted by States parties under article 18 of the Convention, Combined fifth and sixth periodic reports of States parties, the Philippines.*

CEDAW/C/PHL/7-8. (2015). Committee on the Elimination of All Forms of Discrimination against Women. *Consideration of reports submitted by States parties under article 18 of the Convention, Combined seventh and eighth periodic reports of States parties due in 2010, the Philippines.*

CEDAW/C/PHL/9. (2021). Committee on the Elimination of All Forms of Discrimination against Women. *Ninth periodic report submitted by the Philippines under article 18 of the Convention, due in 2020, the Philippines.*

CEDAW/C/PHI/CO/6. (2006). Convention on the Elimination of All Forms of Discrimination against Women. *Concluding comments of the Committee on the Elimination of All Forms of Discrimination against Women: Philippines.*

CEDAW/C/PHL/CO/7-8. (2016). Convention on the Elimination of All Forms of Discrimination against Women. *Concluding observations on the combined seventh and eighth periodic reports of the Philippines.*

CEDAW/C/PHL/CO/9. (2023). Convention on the Elimination of All Forms of Discrimination against Women. *Concluding observations on the ninth periodic report of the Philippines.*

CEDAW/SP/2006/2. (2006). Convention on the Elimination of All Forms of Discrimination against Women. *Declarations, reservations, objections and notifications of withdrawal of reservations relating to the Convention on the Elimination of All Forms of Discrimination against Women.*

Center for Reproductive rights. (n.d.). *The World's Abortion Laws.*

<https://reproductiverights.org/maps/worlds-abortion-laws/> (Accessed 2024-04-03).

Center for Reproductive rights. (2017). *U.N. Committee: Criminalization of Abortion in Ireland Violates Woman's Human Rights*. <https://reproductiverights.org/u-n-committee-criminalization-of-abortion-in-ireland-violates-womans-human-rights/> (Accessed 2024-04-03).

Convention on the Elimination of All Forms of Discrimination against Women, 18 December 1979. <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-elimination-all-forms-discrimination-against-women> (Accessed 2024-04-05).

Dixon, R., & Nussbaum, M. C. (2012). Abortion, Dignity, and a Capabilities Approach. *Feminist Constitutionalism* (pp. 64–82). Cambridge University Press, pp. 64-82. <https://doi.org/10.1017/CBO9780511980442.006>

Draude, A. (2017). Translation in motion: a concept's journey towards norm diffusion studies. *Third World Thematics: A TWQ Journal* 2(5): pp. 588–605. <https://doi.org/10.1080/23802014.2017.1436984>

Esaiasson, P., Gilljam, M., Oscarsson, H., Towns, A. & Wängnerud, L. (2017). *Metodpraktikan: Konsten att studera samhälle, individ och marknad*. 5th ed. Nordstedts Juridik.

Fine, J. B., Mayall, K., & Sepúlveda, L. (2017). The Role of International Human Rights Norms in the Liberalization of Abortion Laws Globally. *Health and Human Rights* 19(1): pp. 69–79. <http://www.jstor.org/stable/90007916>

Francisco, G.M.M. (2021). Utilizing informal modes of engagement: civil society, substantive representation of women, and the Philippine women's rights law. *Journal of Civil Society* 17(2): pp. 119-135. <https://doi.org/10.1080/17448689.2021.1923904>

Francisco, G.M.M. (2023). The Magna Carta of Women as the Philippine Translation of the CEDAW: A Feminist Critical Discourse Analysis. *Critical Discourse Studies* 20(3): pp. 294-305. <https://doi.org/10.1080/17405904.2022.2102518>

Introduction: Locating rights, envisioning law between the global and the local. (2007). *The Practice of Human Rights: Tracking Law Between the Global and the Local*. Cambridge University Press, pp. 1–38. <https://doi.org/10.1017/CBO9780511819193.001>

- Irish Family Planning Association. (n.d.). *History of Abortion in Ireland*.  
<https://www.ifpa.ie/advocacy/abortion-in-ireland-legal-timeline/> (Accessed 2024-04-03).
- Kertcher, C., & Turin, O. (2023). ‘Lost in translation’: United Nations commentaries on gender stereotypes to Muslim countries. *The International Journal of Human Rights* 27(2): pp. 219–237. <https://doi.org/10.1080/13642987.2022.2070612>
- Krook, M. L., & True, J. (2012). Rethinking the life cycles of international norms: The United Nations and the global promotion of gender equality. *European Journal of International Relations* 18(1): pp. 103–127. <https://doi.org/10.1177/1354066110380963>
- Nussbaum, M. (2003). CAPABILITIES AS FUNDAMENTAL ENTITLEMENTS: SEN AND SOCIAL JUSTICE. *Feminist Economics* 9(2–3): pp. 33–59.  
<https://doi.org/10.1080/1354570022000077926>
- Official Gazette (n.d.). *The Legislative Branch*.  
<https://www.officialgazette.gov.ph/about/gov/the-legislative-branch/> (Accessed 2024-05-06).
- Oireachtas. (2023). *How laws are made*. <https://www.oireachtas.ie/en/visit-and-learn/how-parliament-works/how-laws-are-made/> (Accessed 2024-05-06).
- Saati, A. (2019). Participatory Constitution-Making as a Transnational Legal Norm: Why Does It “Stick” in Some Contexts and Not in Others? In Shaffer, G., Ginsburg, T., & Halliday, T. C. (eds). *Constitution making and transnational legal order*. Cambridge University Press, pp. 283–311. <https://doi.org/10.1017/9781108561792.010>
- Sen, A. (1999). *Development as freedom*. Oxford University Press.
- Shaffer, Gregory. (2012). Transnational Legal Processes and State Change: Opportunities and Constraints. *Law & Social Inquiry* 37(2): pp. 229–264. <https://doi.org/10.1111/j.1747-4469.2011.01265.x>
- Shakhatreh, H. J. M., Salih, A. J., Aldrou, K. K. A. R., Alazzam, F. A. F., & Issa, M. S. B. (2022). Medico-Legal Aspects of Abortion: Updates of the Literature. *Medicinski Arhiv* 76(5):

pp. 373–376. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC36545456/> (Accessed 2024-04-09).

United Nations Human Rights Office of the High Commissioner. (2014). *Statement of the Committee on the Elimination of Discrimination against Women on sexual and reproductive health and rights: Beyond 2014 ICPD review*.  
<https://www.ohchr.org/sites/default/files/Documents/HRBodies/CEDAW/Statements/SRHR26Feb2014.pdf> (Accessed 2024-04-16).

United Nations Human Rights Office of the High Commissioner. (2020). *Information series on sexual and reproductive health and right: abortion*.  
[https://www.ohchr.org/sites/default/files/Documents/Issues/Women/WRGS/SexualHealth/INFO\\_Abortion\\_WEB.pdf](https://www.ohchr.org/sites/default/files/Documents/Issues/Women/WRGS/SexualHealth/INFO_Abortion_WEB.pdf) (Accessed 2024-04-09).

United Nations Human Rights Office of the High Commissioner. (n.d.a). *View the ratification status by country or by treaty*.  
[https://tbinternet.ohchr.org/\\_layouts/15/TreatyBodyExternal/Treaty.aspx?Treaty=CEDAW&Lang=en](https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?Treaty=CEDAW&Lang=en) (Accessed 2024-04-03).

United Nations Human Rights Office of the High Commissioner. (n.d.b). *Committee on the Elimination of Discrimination against Women*. <https://www.ohchr.org/en/treaty-bodies/cedaw> (Accessed 2024-03-10).

United Nations Human Rights Office of the High Commissioner. (n.d.c). *Human Rights Treaty Bodies: Glossary of treaty body terminology*.  
<https://www2.ohchr.org/english/bodies/treaty/glossary.htm> (Accessed 2024-04-19).

United Nations Human Rights Office of the High Commissioner. (n.d.d). *Simplified reporting procedure*. <https://www.ohchr.org/en/treaty-bodies/cedaw/simplified-reporting-procedure> (Accessed 2024-04-22).

United Nations. (n.d.). *List of States Parties*.  
<https://www.un.org/womenwatch/daw/cedaw/cedaw20/list.htm> (Accessed 2024-04-26).

Vatican. (2023). *ADDRESS OF HIS HOLINESS POPE FRANCIS TO MEMBERS OF THE DIPLOMATIC CORPS ACCREDITED TO THE HOLY SEE*.

<https://www.vatican.va/content/francesco/en/speeches/2023/january/documents/20230109-corpo-diplomatico.html> (Accessed 2024-04-20).

Vore, B. (1995). THE LITERATURE OF JAMES JOYCE AND NICK JOAQUIN: Reflections of National Identity in Ireland and the Philippines. *Crossroads: An Interdisciplinary Journal of Southeast Asian Studies* 9(1): pp. 1–32.  
<http://www.jstor.org/stable/40860489>

Zhukova, E., Sundström, M. R., & Elgström, O. (2022). Feminist foreign policies (FFPs) as strategic narratives: Norm translation in Sweden, Canada, France, and Mexico - ADDENDUM. *Review of International Studies* 48(1): pp. 217–217.  
<https://doi.org/10.1017/S0260210521000516>

Zwingel, S. (2006). From intergovernmental negotiations to (sub)national change: A transnational perspective on the impact of cedaw. *International Feminist Journal of Politics* 7(3): pp. 400-424. <https://www.tandfonline.com/doi/full/10.1080/1461674050016118>

Zwingel, S. (2012). How Do Norms Travel? Theorizing International Women's Rights in Transnational Perspective. *International Studies Quarterly* 56(1): pp. 115–129.  
<http://www.jstor.org/stable/41409826>

Zwingel, S. (2016). *Translating International Women's Rights: The CEDAW Convention in Context*. Palgrave Macmillan UK. <https://doi.org/10.1057/978-1-137-31501-4>

Zwingel, S. (2020). Do We Have a Connection? Caribbean Engagement with Global Women's Rights Norms. *Social and Economic Studies* 69(1/2): pp. 43–72.  
<http://proxy.ub.umu.se/login?url=https://www.proquest.com/scholarly-journals/do-we-have-connection-caribbean-engagement-with/docview/2511985669/se-2>