

Reform of abortion law to safeguard the fundamental rights of women and girls in Northern Ireland – July 2019

We support the decriminalisation of abortion in Northern Ireland – ensuring that abortion is regulated as any other medical procedure and stopping women being prosecuted for ending their own pregnancy.

We ask Peers to vote in favour of amendments 12, 19, 21, and 24, tabled in conjunction with Stella Creasy MP, to enable Government to change the law effectively.

We ask Peers to vote against amendment 16 and any manuscript amendments on timescale to ensure that this process is not delayed.

The Northern Ireland (Executive Formation) Bill 2019

The Bill as introduced to the House of Lords included Clause 9, which was originally introduced as an amendment in the House of Commons as New Clause 10. This Clause requires the Government, in the absence of a functioning Northern Ireland Executive, to decriminalise abortion in Northern Ireland in order to safeguard the fundamental rights of women and girls.

Several amendments have been laid at Report, in conjunction with Stella Creasy MP, the mover of the original amendment in the House of Commons, to enable Government to reform the law effectively.

We support amendments 12, 19, 21, and 24 and ask Peers to vote in favour.

Amendments are also expected that would delay the date at which these changes come into force.

We oppose amdt 16 and any manuscript amendments on timescale and ask Peers to vote against.

Abortion in Northern Ireland

Women in Northern Ireland face one of the most restrictive abortion laws in the world. Rather than abortion being a regulated medical procedure like any other, it is governed by the Offences Against the Person Act 1861. As a result of this, the only way an abortion in Northern Ireland is legal is if continuing with the pregnancy would leave a woman a 'mental or physical wreck'. Only 12 women accessed a legal abortion in Northern Ireland last year.

This law leaves women in Northern Ireland with a crisis pregnancy with three pernicious options – to travel outside of Northern Ireland to access abortion care at huge personal cost, to use abortion medication purchased online and risk life imprisonment, or to continue their unwanted pregnancy.

As a result of this ban, 1053 women travelled to England to access abortion services in 2018.

The need for change

Last year, the Supreme Court ruled on abortion law in Northern Ireland, stating that "the present legislative position in Northern Ireland is "untenable and intrinsically disproportionate" which "clearly needs radical reconsideration". The Court stated that the existing law is incompatible with Article 8 (right to a private and family life) of the European Convention on Human Rights – with two justices finding that it was also incompatible with Article 3 (right not to be subjected to inhuman, cruel, or degrading treatment).

The UN Committee on the Elimination of Discrimination Against Women (CEDAW) told the UK government in February 2018 that abortion law in Northern Ireland breached UK citizens' human rights – saying that the breaches are “grave and systematic”. They called on the UK government directly to repeal s.58 of the Offences Against the Person Act 1861. This was also raised by the UN Committee on the Rights of the Child in 2016 and the UN Committee Against Torture in 2019.

According to the [2018 Northern Ireland Life and Times Survey](#):

- 89% of people believe a woman should not face prison for having an abortion;
- 82% believe abortion should be a matter for medical regulation and not criminal law; and
- 71% believe it should be woman's right to choose whether to end her pregnancy – 71% of the Catholic community and 66% of the Protestant community.

Urgency

We are aware that further amendments may be laid which aim to delay implementation.

Delaying implementation would have a very real effect on the many women who will be unable to access their basic legal and human rights in their own region. It would also be out of step with the timescale proposed by government for the delivery of equality for same sex couples in Northern Ireland.

There is no legal obligation to consult on the implementation of the recommendations of CEDAW, which reflect human rights standards. Insofar as consultation may be necessary, this should be limited to technical points of implementation only – not *whether* to change the law but only *how* to deliver a service. This is entirely possible within the timeframe proposed, and as per §3.8 and §3.9 of Northern Ireland Office's Equality Scheme, it does not require lengthy public consultation.

Providing abortion in a decriminalised system

Decriminalisation does not mean deregulation. If abortion were decriminalised as recommended by the Committee for the Elimination of All Forms of Discrimination Against Women, and supported by many medical bodies including three Royal Colleges responsible for the care of women, it would be subject to the same laws and regulations that govern all healthcare procedures. It would be regulated in the same way as, for example, maternity care.

Consent, safeguarding, and professional guidance are embedded in all iterations of medical practice and are regulated in Northern Ireland by the Regulation and Quality Improvement Authority.

The British Medical Association has produced a resource which sets out how abortion is and would continue to be regulated in the United Kingdom post-decriminalisation – [which can be found here](#).

Our position on abortion

We support the decriminalisation of abortion across the UK, including Northern Ireland. We believe that abortion should be treated and regulated like any other medical procedure – ensuring that women can access care locally and that healthcare professionals can provide the best services for their patients without the threat of prosecution.

Joint signatories

Alliance for Choice • Amnesty International UK • British Pregnancy Advisory Service (bpas) • British Society of Abortion Care Providers (BSACP) • Doctors for Choice (UK) • Faculty of Sexual and Reproductive Health • Liberty • Marie Stopes UK • Royal College of General Practitioners • Royal College of Midwives • Royal College of Obstetricians and Gynaecologists • Society of Radiographers