



ABORTION LAW REFORM - NORTHERN IRELAND NEXT

May 2019

EXECUTIVE SUMMARY

- The Abortion Act 1967 does not apply to Northern Ireland. Abortion is legal only in extremely limited circumstances, and even then it is difficult to access.
- As such, pregnant people in Northern Ireland have fewer rights to reproductive care than those elsewhere in the UK.
- Repeal of s.s. 58 and 59 of the Offences against the Person Act 1861 to remove the risk of prosecution from women and medics is urgently needed
- The provision of legal, safe, free, and local abortion care to women, girls and pregnant people in Northern Ireland is long overdue, and will also ensure that the law in Northern Ireland complies with international human rights standards.

Introduction

It is one year since the people of Ireland repealed the 8th Amendment, and just over five months since abortion has been lawfully available in Ireland. One year on from repeal, abortion is now free, safe, legal, and local for a considerable number of people in Ireland.

While women and girls living in Northern Ireland can access abortion under the new Irish law, to do so they must pay a significant amount of money (over £400) and travel twice to the Republic of Ireland—once for the pregnancy dating, and once (three days later) to access abortion care. This is simply not practical, and it certainly does not make up for the continuing failure to provide abortion care ‘at home’ for people in Northern Ireland.

Progress in Ireland is not a reason to delay decriminalisation of abortions in Northern Ireland. The focus of this briefing is on how and why the UK

Government should take action.

The situation in Northern Ireland

Women, girls and pregnant people in Northern Ireland have fewer rights to reproductive autonomy than people living anywhere else in the UK and Ireland.

Because the Assembly has not sat for two years, there is no Northern Irish legislature capable of changing the law. In 2018, the UN Committee on the Elimination of Discrimination against Women (CEDAW) found that the status quo results in human rights violations for people in Northern Ireland. Equally, the UK Supreme Court has ruled that Northern Ireland’s abortion law breaches Article 8 of the European Convention on Human Rights.

At present, abortion is permitted in Northern Ireland in only extremely limited circumstances. These do not include, for example, cases of fatal fetal anomaly. Even when abortion is legally available, criminalisation, the lack of clear guidance, and a policy of prosecution mean that it is extremely difficult to access. People who import abortion medication to self-manage their abortions run the risk of being prosecuted, and prosecution is pursued.

Although everyone born in Northern Ireland is entitled to both Irish and UK citizenship, women and girls there experience reproductive inequality. They are unable to access abortion care on an equal basis in the Republic of Ireland, and are left without access to free, safe, legal and local abortion care by politicians in both Stormont and Westminster.

Northern Ireland is next

The last year has been one of significant progress in reproductive rights on the island of Ireland. However, there is much left to do before reproductive justice becomes a reality for all pregnant people on both sides of the border.

The anniversary of repeal in Ireland is the ideal opportunity to build momentum in the campaign to repeal s.s. 58 and 59 of the Offences against the Person Act 1861 and ensure access to legal abortion care in Northern Ireland.

Parliament should:

1. Repeal s.s. 58 and 59 of the Offences against the Person Act 1861 to remove criminal sanctions from women seeking, and medical professionals providing, abortion care
2. In the short term, suspend all prosecutions under s.s. 58 and 59 in Northern Ireland
3. Ensure the issuance of guidance clarifying to medical professionals that it is lawful to refer patients for abortion care in the rest of the United Kingdom, and to support their care through providing files, appropriate scans etc.
4. Bring Northern Ireland abortion law and abortion care provision into line with international human rights standards

Summary of research

With Máiréad Enright, Professor de Londras co-authored the book 'Repealing the 8th'. Published in February 2018, its content offers practical proposals for policymakers and reform advocates, including model legislation, and was used as a campaigning tool ahead of the referendum.

The research is now feeding into on-going efforts for law reform in Gibraltar and Northern Ireland, and the research team is now collaborating across groups and borders to share lessons from Ireland on how academics and civil society can work together in abortion law reform campaigns, to bring research based approaches to politicians shaping

legislative debates and reform, and to make the case for regulating abortion as healthcare rather than as a crime.

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