1. **Executive Summary**

1.1 This paper outlines a series of issues of significant concern to Amnesty International. Although the issues require urgent attention to improve protect human rights of people in Northern Ireland, they are not being addressed in the absence of a Northern Ireland Executive and a functioning Northern Ireland Assembly. The issues are:

- Dealing with the past
- Abortion law in Northern Ireland
- Civil marriage equality
- Historic institutional child abuse

2. **Introduction**

2.1 Amnesty International UK is a national section of a global movement of over seven million supporters, members and activists. We represent more than 230,000 supporters in the United Kingdom, including thousands in Northern Ireland. Collectively, our vision is of a world in which every person enjoys all of the human rights enshrined in the Universal Declaration of Human Rights and other international human rights instruments. Our mission is to undertake research and action focused on preventing and ending grave abuses of these rights. We are independent of any government, political ideology, economic interest or religion.

2.2 Amnesty International UK (AIUK) welcomes this opportunity to contribute to the work of the Northern Ireland Affairs Committee (NIAC) in its assessment of the democratic deficit in the absence of functioning devolved government and the consequent impact on communities and individuals. This submission addresses some of the questions asked by the NIAC, but does not include all of AIUK’s observations and recommendations regarding human rights concerns in Northern Ireland. We therefore welcome the opportunity to provide oral evidence before the NIAC and would be happy to submit any additional information should the NIAC find it of assistance.

3. **Dealing with the past**

3.1 Truth is an essential element of the duty to investigate human rights violations and abuses, of a victim’s right to remedy, including reparation, and in combating impunity. It can help victims, families and communities understand what happened to them, allow those responsible to be identified, counter misinformation and misconceptions about the past, and allow lessons to be learnt to ensure that abuses are not repeated. This, in turn, may contribute towards the process of
reconciliation between divided communities. Denial and silence increase mistrust and damage the
social fabric, exacerbating existing divisions.

3.2 Obstacles to laying bare the truth have come in many forms in Northern Ireland. Since the
negotiation of the Belfast/Good Friday Agreement, the UK government has failed to make dealing
with the past a sufficient priority. Equally, parties in Northern Ireland have so far failed to come
together sufficiently to agree how to effectively address the legacy of the past. However, despite the
political reluctance, many victims and their families yearn for a true account of the violations and
abuses committed against them and consider it a prerequisite for moving forward with their lives
and ensuring a lasting peace. This view has been articulated strongly, repeatedly and recently by the
Victims and Survivors Forum.

3.3 The UK government holds responsibility for ensuring the fulfilment of international human
rights obligations for effective investigations into Northern Ireland conflict-related violations.

3.4 As such, the responsibility for establishing effective mechanisms sits with the UK
government, rather than the Northern Ireland Executive or Assembly. However, the lack of
agreement among the Northern Ireland parties and the UK government has been an obstacle to
progress and, it would seem, one of the contributing factors to the collapse of the Executive.

3.5 The lack of effective mechanisms to investigate past abuses in Northern Ireland has had a
very significant harmful effect on many thousands of victims who have suffered injuries and
bereaved family members of those who lost their lives. More broadly, this has fed societal division
about the past, and hence about the future.

3.6 The year-long suspension of the Executive has contributed further to the impasse on the
establishment of the Historic Investigations Unit and the other related mechanisms proposed in the
2014 Stormont House Agreement.

3.7 The UK government should move speedily to a consultation on a human rights-compliant
delivery of the Stormont House Agreement proposals. Part of a fresh approach must be to ensure
that the restrictions on disclosure of sensitive information are only used when someone’s life is
would otherwise be put at risk and that such decisions are made independently of government.
Furthermore, statutes of limitations or other means that would perpetuate impunity must be
rejected.

3.8 In February 2016, the Lord Chief Justice of Northern Ireland set out detailed proposals for
the delivery of long-delayed legacy inquests. Lack of political agreement has meant that a decision
and the funding necessary for him to implement this plan has meant a further denial of the
opportunity for truth and justice for many families who lost loved ones in the conflict. In September
2017, Sir Declan Morgan said it was “very difficult to see how ordinary people can be expected to
wait much longer”.

3.9 We agree. The UK government should move quickly to ensure the provision of adequate
resources for Lord Chief Justice’s legacy inquest proposals.
3.10 Recommendations

- UK Government launches consultation on a human rights-compliant delivery of the Stormont House Agreement proposals
- The UK government should move quickly to ensure the provision of adequate resources for Lord Chief Justice’s legacy inquest proposals

4. Abortion law in Northern Ireland

4.1 The 1967 Abortion Act, which applies in England, Scotland and Wales but not Northern Ireland, is not human rights compliant. It does not decriminalise abortion but instead provides exceptions in certain circumstances for women and doctors. 2017 marked 50 years of the 1967 Act and 50 years of differential treatment for women in Northern Ireland.

4.2 In Northern Ireland, abortion is only lawful in extremely limited circumstances, in particular where there is a risk to a woman or girl’s life or the risk of real and serious long-term or permanent damage to her physical or mental health. That makes the legal regime governing abortion in Northern Ireland one of the most restrictive in Europe and carries the harshest criminal penalties in Europe.

4.3 Northern Ireland abortion laws have been repeatedly found by UN treaty monitoring bodies to be in significant violation of the various Human Rights treaties the UK is state party to. Although health and justice are devolved matters, ensuring that the human rights of all UK citizens are upheld is a Westminster responsibility. The particular position of Northern Ireland women and girls seeking abortion is highlighted recently by the decision of the UK Government in June 2017 to provide free abortions for women from Northern Ireland in England. Amnesty, alongside others, has worked with the Departments of Equalities and Health to give practical effect to this policy. This work included advising on pathways into the NHS and service providers/clinics and addressing issues such as accommodation, travel and ensuring access for marginalised women.

4.4 We welcome that the policy change has provided a form of much needed remedy for Northern Irish women; however, this must be in parallel to a process to bring an end to a situation where women and girls are denied the right to healthcare in Northern Ireland that women in the rest of the UK can take for granted. Therefore, further action by the UK Government is required.

4.5 It is imperative that Government, whether devolved or at Westminster, delivers long overdue abortion law reform for Northern Ireland. In the absence of devolved government, it is essential that the UK Government fulfils its responsibilities under the relevant human rights treaties and ensures reform to a law which is having a real and devastating impact on women in Northern Ireland.

4.6 The law governing abortion in Northern Ireland is among the most restrictive in Europe, both in law and in practice. The UK government has claimed that responsibility for reform of the law lies with the Northern Irish Executive, and neither has changed the governing legislation. Although health and justice are indeed devolved matters, ensuring that the human rights of all UK citizens are upheld is a Westminster responsibility. The UK government has the ability and responsibility to change the situation for women in Northern Ireland and bring to
4.7 In 2016, a woman was given a three-month suspended sentence after pleading guilty to two offences under the 1861 law governing abortion in Northern Ireland. Official statistics for 2016 showed that 724 women from Northern Ireland had travelled to England or Wales to access abortion, and only 16 lawful abortions had been performed in Northern Ireland for 2015/16. Amnesty advises that these figures only tell a partial story, the 724 women during 2016 do not include those who gave an address of a friend or family member in England or Wales or those who went online and procured abortion pills. The comparative figure of 16 women for 2015/16 is a stark reminder and demonstration of the barriers women face in accessing lawful abortion services in Northern Ireland. Amnesty has documented the barriers in law, policy and practice in our 2015 report, ‘Barriers to accessing abortion services’.

4.8 There have been some attempts by a former Justice Minister to reform Northern Ireland’s abortion laws, namely in circumstances where a pregnancy is given a fatal foetal diagnosis. However, these attempts have been unsuccessful and the restrictive law in Northern Ireland continues to force women to travel for healthcare services to which they are entitled. In the absence of a devolved legislature and the UK government successfully fulfilling its obligations to women and girls, Amnesty and others have turned to the courts to challenge the restrictive and discriminatory laws and help bring the region in line with international human rights standards.

4.9 In 2017, the UK Supreme Court heard appeals of a 2016 Court of Appeal ruling that the region’s abortion law was incompatible with domestic and international human rights law. The ruling on this case is imminent.

4.10 We urge you to ensure that Westminster fulfils its responsibilities to Northern Irish women by bringing abortion law in line with international human rights standards. Until this happens, enabling women to access abortions free on the NHS in England will alleviate some of the burdens women face.

4.11 Amnesty International is calling for an end to discrimination against women in Northern Ireland with regards to reproductive rights and abortion, by bringing the relevant law in Northern Ireland into line with international human rights standards.

4.12 Recommendations

- UK government ensures that/reforms the law governing access to abortion in Northern Ireland so that it fully complies with international human rights standards. This must include the decriminalisation of abortion.
- UK government supports the decriminalisation of abortion in England and Wales during this Parliamentary term.

5. Civil marriage equality

5.1 Northern Ireland now lags behind the rest of the UK and Ireland in providing access to civil marriage for same-sex couples, despite the overwhelming support of the Northern Ireland public and a clear majority of MLAs.
5.2 Same-sex marriage is legal in England, Scotland and Wales. Northern Ireland is now alone in banning same-sex couples from getting married, and the government also refuses to recognise such marriages conducted elsewhere.

5.3 Ultimately, this means that lesbian and gay couples in Northern Ireland are experiencing discrimination, both in terms of the technical differences between marriage and civil partnership and in terms of the esteem afforded to them by society through access or otherwise to civil marriage. There is no objective justification for denying access to civil marriage to same-sex couples. It serves no legitimate social purpose or national interest. Allowing lesbian and gay people to get married will have no detrimental effect on anyone else’s marriage. Civil marriage will have no impact on how churches and other religious groups conduct religious marriages according to their own beliefs.

5.4 On 2 November 2015 the Northern Ireland Assembly held a vote on same-sex marriage. 53 Assembly Members voted for and 52 against a motion which called on the Northern Ireland Executive to introduce marriage equality legislation. The motion was defeated as the Democratic Unionist party (DUP) lodged a ‘petition on concern’, but nevertheless marked a significant milestone on the journey to marriage equality in Northern Ireland.

5.5 The March 2017 Assembly election returned 90 MLAs, of which at least 55 have expressed their support for legislation for marriage equality in Northern Ireland. It is likely that legislation to bring Northern Ireland law into line with other parts of the UK would pass easily, unless petition of concern (which requires 30 signatures) is lodged.

5.6 As well as support for equal marriage in the Assembly, there is overwhelming support among the population of Northern Ireland to extend civil marriage rights to same-sex couples.

5.7 An Ipsos MORI poll from June 2016 showed that 70% support same-sex marriage, with just 22% against. The support cuts across gender and creed, with clear majority support among both men and women, from both Catholic and Protestant community backgrounds and across all urban and rural areas of Northern Ireland.

5.8 Recommendation

- In the absence of functioning devolved government, we urge the UK government to bring the law in Northern Ireland into line with the rest of the UK through legislation at Westminster.

6. Historic institutional child abuse

6.1 A year has passed since the publication of the report of the Historical Institutional Abuse Inquiry on January 20th 2017. It made a series of recommendations about reparations, apologies and services. None of these have been implemented due to the absence of Executive Ministers to consider and make decisions.

6.2 Amnesty International, through the Panel of Experts on Redress, which represents a number of the victim and survivor groups, has met with the former Secretary of State, to urge him to
establish a redress scheme to meet the needs and wishes of victims and survivors, with enabling legislation at Westminster if necessary.

6.3 The Panel has published a detailed Position Paper and Recommendations on Redress from the victims and survivors of historical institutional child abuse. The position paper sets out an analysis of the recommendations on redress produced by the Historical Institutional Abuse Inquiry and a set of recommendations from victims and survivors for a victim-centred compensation framework for historic abuses in residential institutions. This builds on the preparatory work already carried out by the Panel, including the previously published reports, *What Survivors Want From Redress* (March 2016, Ulster University), *What Survivors Want: Part 2 A Compensation Framework for Historic Abuses in Residential Institutions* (May 2016, Ulster University), and *Cost Analysis of Proposed Redress Scheme for Historic Residential Abuses* (October 2016, commissioned from Quarter Chartered Accountants). In addition, the Panel provided evidence to the Assembly’s Committee for The Executive Office session on Historical Institutional Abuse on 28 September 2016 (Hansard report).

6.4 The Panel has also met with David Sterling, Head of the Civil Service, to encourage action and he has made clear that he could not establish the redress scheme without ministerial direction and enabling legislation. Victim and survivor groups want to be closely consulted on the design and delivery of a redress scheme which will meet their needs. The Panel has already met with officials from the Executive Office and wish to accelerate and deepen this process to pave the way for an agreed and prompt approach, via Westminster legislation if necessary.

6.5 Recommendation

- In the absence of functioning devolved government, we would encourage legislation at Westminster without further delay to provide for the establishment of a redress scheme to meet the needs and wishes of victims and survivors.

29 December 2017