INTRODUCTION

1. Life Northern Ireland (Life NI) welcomes the opportunity to comment on this inquiry into abortion law in Northern Ireland. Life NI have existed in Northern Ireland for 38 years. Our main objective is to provide care; support and non-directive counselling though our Pregnancy Matters service1 for those facing unexpected pregnancy or needing help during pregnancy or after having a baby. We believe in the sanctity of life from conception, which leads to respect and care being afforded at every stage in life. We also offer non-directive counselling after abortion for those women or family members who need assistance or counselling following an abortion.

2. The Women and Equalities Committee has sought comments on abortion law in Northern Ireland: “The Women and Equalities Select Committee has decided to hold a formal Inquiry into abortion law in Northern Ireland following renewed concerns raised by CEDAW committee about restricted access and the UK Supreme Court ruling in June. The committee is seeking evidence from the people of Northern Ireland and organisations involved to inform this Inquiry."

In addition the Women and Equalities Committee has sought responses to the following questions:

- What are the views of the general public, women and medical and legal professionals in Northern Ireland about

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1 Pregnancy Matters is a trading name of Life 2009 which is an organisational member of the British Association of Counselling and Psychotherapy (BACP) and subscribes to BACP’s ethical guidelines. Life 2009 Ltd is a company limited by guarantee registered in England and Wales, No. 06786752. Charity No. 1128355 in England and Wales, and No. SC041329 in Scotland. It is a Registered Provider of social housing, Registration No. 4734.
the law on abortion and whether it should be reformed? How have those views changed over time?

- What are the experiences of women in Northern Ireland who have been affected by the law on abortion?
- What are the responsibilities of the UK Government under its international obligations for taking action to reform abortion law in Northern Ireland? How should these be reconciled to the UK’s devolution settlement?

3. In recent years there has been an attempt to change the current law on abortion in NI. However, we in Life NI strongly believe that the law on abortion in NI plays an important role in ensuring a high level of care and protection both for mothers and their unborn children.

4. A poll from the Both Lives Matter Campaign released in January 2017 demonstrated that at least 100,000 people are alive today in NI because of the law\(^2\). This figure was verified by the Advertising Standards Authority who, after reviewing all the evidence and methodology used to calculate the figure, said in their report that "on balance we concluded that the evidence indicated that there was a reasonable probability that around 100,000 people were alive in Northern Ireland today who would have otherwise been aborted had it been legal to do so"\(^3\).

5. Life NI believes that the report, commissioned by the Both Lives Matter collaborative campaign and the subsequent verification of the findings by the Advertising Standards Authority, when compared to the out-workings of the 1967 Abortion Act which has seen more than 8 million abortions in England Wales, demonstrates that law does stop abortions

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from taking place and that law impacts on the culture of a society. This has resulted in a life-affirming culture in NI.

6. We see frequent calls for abortion in so-called “difficult” cases, eg. where there has been an ante-natal diagnosis of a life limiting condition - (often referred to by the vague, non-medical term “fatal foetal abnormality” or worse still “incompatible with life” which is inaccurate and offensive), or where the pregnancy has arisen through sexual crime. In each of these circumstances the humanity of the unborn baby is brushed aside. The law on abortion in NI on the other hand acknowledges the unborn baby’s humanity and value. The law currently holds in a careful balance the life of the woman and the life of the unborn child. By doing so the law in NI provides a benchmark for how people are treated from conception to natural death.

7. Life NI highlights the importance of accurate language in this debate. We in Northern Ireland have seen how careless language can lead to misunderstandings regarding a medical diagnosis and once this spills over to the legal field, there are disastrous consequences for the unborn child who still in fact has a beating heart.

8. In the 2015 High Court case⁴ in which the Northern Ireland Commission on Human Rights sought to challenge the law on abortion here as being in conflict with international human rights, the judge, Horner J referred to:

“a foetus doomed to die (my emphasis) because a fatal abnormality makes it incapable of an existence independent of the mother’s womb…”

⁴ https://www.courtsni.gov.uk/en-GB/Judicial%20Decisions/PublishedByYear/Documents/2015/%5B2015%5D%20NIQ8%2096/j_j_HOR9740Final.htm Currently under appeal to the Northern Ireland Court of Appeal, judgement awaited.
Such a sweeping statement ignores the fact that many babies with life limiting conditions do survive birth and it is impossible for a doctor to predict which ones will survive birth. The ‘Every Life Counts’ campaign has given evidence on some children so labelled who have not only survived birth but lived well beyond birth and in some cases continue to live a much loved and fulfilling life.  

Given that many such babies survive for minutes, hours and occasionally longer, it is very wrong to use loaded phrases such as “doomed to die.”

9. Life NI sympathises greatly with families faced with devastating news. However, it does not believe that the solution is to amend the law on the basis of such hard cases. Rather it proposes an alternative approach, which is advocate for the medical profession to introduce pathways of care specific to each woman when faced with such dilemmas. Instead of approaching the situation from an entirely hopeless viewpoint captured by the epithet “incompatible with life” a caring and empathetic approach to the parents, especially the mother, to value whatever time is left to her with their baby and to offer every medical care available during that time. This is the model offered by peri-natal palliative care and is one which puts mother and baby at the forefront, rather than seeing disposal of the baby as the optimum solution. By giving priority to the mental health of the mother and allowing nature to take its course and ensures that no regrets are stored up for the future. Currently Life NI is working on proposals to promote this model of care in Northern Ireland.

10. The recent publication by the Departments of Health and Justice of the “Report of the Working Group on Fatal Fetal

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5 See the story of Kathleen Rose Harkin http://www.belfasttelegraph.co.uk/life/features/our-daughter-would-have-been-diagnosed-as-having-fatal-foetal-abnormality-yet-this-special-soul-has-made-us-far-better-parents-and-better-people-35157625.html
6 See the story of Nickolas Cole who survived for three years: Daily Mail 2nd November 2012- He taught us how to be a family. And Jaxon Buell who is now over 2 years of age- whose parents have written a book Don’t Blink about their experience of having a child with microhydranencephaly
Abnormality, Healthcare and the Law on Termination of Pregnancy for Fatal Fetal Abnormality: Proposals to the Minister of Health and the Minister of Justice October 2016” highlights the immediate need for more effective care pathways in NI when a woman as been given the diagnosis that her baby may die before or shortly after birth. The report identifies that in some circumstances “The experience of care provided was variable. Many felt that, from the point of diagnosis, they had to find information for themselves and, as a result, they did not feel part of a joined-up care system. Once a diagnosis was made many of the women felt they became a problem. Some felt the diagnosis ‘wrote off’ their baby too quickly and that they weren’t given full information about all the options available to them”7. Whilst Life NI disagrees with the ultimate findings of this report, we do believe that if this point was addressed then families facing such tragic circumstances would feel better enabled and supported in their journey with their unborn baby. Life NI emphasises the fact that after being given the news that their unborn baby has a terminal illness some women felt that meant their baby was written off (see above quote)8. This is unacceptable, and this causes concern in terms of the impact any liberalising of the law in NI would have on these cases.

11. In addition to the option of peri-natal palliative care, Life NI suggests that there may be merit in further research into the connection between some life-limiting conditions and remedial health care of mothers-to-be, e.g. recommending women who are contemplating pregnancy take folic acid prior to conception and in the early weeks of pregnancy as a means of reducing the chances of babies having conditions affecting the neural tubes.

9. Life NI notes with concern that whilst the debate on abortion currently focuses on extreme cases, it does not take long for other situations to be added as justifications for abortion. It has become the norm in many European countries that disabilities such as Down’s Syndrome are now regarded as indisputable grounds for abortion. In France a court has recently ruled it unlawful to publish videos demonstrating the happy lives of children with Down Syndrome as it could be regarded as offensive to women who have had abortions. In GB, under the working of the 1967 Abortion Act, 90% of women in the UK who find out that their unborn baby has been diagnosed with Down Syndrome opt to abort that baby. Given the fact that the 1967 Abortion Act was purported to be a compassionate response to the dangerous backstreet abortions of the early 20th century, the reality of abortion for disability is shocking. These examples should send out a warning of the danger for the society in Northern Ireland if the British Government were to force a law change on the jurisdiction of NI, especially since a 2016 Public Health Annual Report has shown that in NI, in 2016, over 90% of unborn children who were diagnosed with Down Syndrome were born.

9 e.g. in the UK 90% of women diagnosed with a Down’s Syndrome child in England and Wales, abort the child. See The National Down’s Syndrome Cytogenetic Register Morris and Singett (Public Health England, 2014) [link] which describes how 100% of those women diagnosed with carrying a child with Down Syndrome opt for abortion in Iceland.

10 [link]

11 [link]

12 [link]
Abortion for sexual crime

10. Frequently politicians, in Northern Ireland purport to reassure the public that they have no intention of introducing legislation similar to the Abortion Act 1967. Under that legislation there have been more than 8.4 million abortions since 1968 when it came into force. Several generations have already been lost. However, that reassurance rings hollow, when one realises that there is no specific ground for allowing abortion following sexual crime in that Act, yet that is often proposed as one of the changes necessary to bring Northern Ireland into the 21st century.

11. Life NI rejects the view that sexual crime resulting in pregnancy can justify the taking of an innocent life. Recently several people who were born as a consequence of rape have spoken out at public meetings revealing their feelings on proposals to specifically allow abortion where the pregnancy arises from rape or other sexual crime. Understandably they are deeply distressed that their life and similar lives are to be regarded as valueless, simply because of their background. Why should the innocent be sacrificed to punish a criminal father?

12. In 2016 the devolved government of Northern Ireland debated the issue of abortion, in the cases of life-limiting conditions, rape and sexual crime, on the floor of the NI Assembly. As a result, the political representatives of NI

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14 E.g. Rebecca Kiessling  Anti-abortion campaigner visits Northern Ireland – Belfast Telegraph 16th November 2016. See also Strandtown Baptist Church Belfast 29th November 2014 Conference- Love Them Both- Talk by Gary Moore- Conceived in Rape- Life, Love and Legacy
decided by a majority not to introduce any change to the law on abortion in NI. Given that Health and Justice are devolved matters in NI it would therefore be disrespectful of the British Government to impose a legislative change in NI simply due to pressure from agenda-led politicians who, whilst Members of the British Parliament, have no elected mandate in NI. The focus should instead be on ensuring that Devolution is restored to NI, thereby allowing the locally elected MLA’s to proceed with providing pathways of care, counselling and support to those facing crisis pregnancies in NI.

13. CEDAW: Life NI notes that the Women and Equalities Committee has cited the opinion of the Convention on the Elimination of Discrimination Against Women (CEDAW) as a reason for undergoing this enquiry. Life NI would point out that currently there is no member of CEDAW from Northern Ireland or even from England, Scotland or Wales and therefore we would question why the opinion of a group with no representative from these Isles should be considered more robustly than the opinions of organisations such as Life NI, who have been providing care and support to women and families in crisis pregnancies since 1980 in NI and since 1970 across GB. Additionally, Conventions such as CEDAW can only give opinions and as such should not be considered to overrule the Declaration of the Rights of the Child which states in its Preamble that “the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth”15

14. Life NI notes the Committee’s reference to the Supreme Court but would like to remind the Committee that the comments given by the Supreme Court were in fact non-binding and not an excuse for MPs in GB with no elected mandate in NI to impose or enforce a legislative change in NI against the will of the people.

15. A Poll conducted by ComRes between October 8\textsuperscript{th} and 15\textsuperscript{th} 2018 has demonstrated that people in Northern Ireland do not want law changes relating to abortion imposed upon them from GB. The poll found that 64\% of those surveyed wanted NI elected representatives to make decisions about abortion. 66\% of women surveyed in the poll wanted NI abortion law decided by NI politicians and 70\% of people surveyed who were in the age group 18 to 34 also agreed with decision making being taken at a local level\textsuperscript{16}.

16. Conclusion

Life NI believes that the law on abortion in Northern Ireland has been a positive influence in the society and culture of NI, and indeed in some cases has been instrumental in protecting women’s lives\textsuperscript{17} as well as the lives of unborn children. By upholding the intrinsic value of every human life, no matter how young or vulnerable, Northern Ireland has stood firm to the principle that all human life is worth defending.

Life NI believes that any debate/conversation about abortion in NI should only be undertaken by locally elected NI politicians who have been given a political mandate by the people in NI.

\textsuperscript{16} https://www.newsletter.co.uk/news/health/abortion-poll-says-two-thirds-want-ni-politicians-to-decide-law-1-8673028
\textsuperscript{17} https://bothlivesmatter.org/stories/the-law-in-ni-saved-my-life-hopes-story
Life NI does not believe that the British Government has a responsibility to respect devolution in NI and therefore all issues which are considered devolved matters for the NI Assembly should also be respected. It would be highly irresponsible for the Women and Equalities Committee to conclude that devolution can be ignored. It would be constitutionally inappropriate to interfere in the sensitive devolved matter of abortion law in NI and would indeed be counter-productive given the sensitive situation of the NI Assembly at this time.

Life NI believes that positive life-affirming alternatives to abortion should be further enabled for those facing crisis pregnancy. This would involve funding for counselling, accommodation, practical help and support and focused perinatal pathways of care. This would ensure the continuation of a culture in NI that values all life from the moment of conception regardless of the circumstances of that conception or any condition with which an unborn baby may be diagnosed, a culture which has already seen approximately 100,000 lives being lived today because of the NI law on abortion.

December 2018