Written submission from Women’s Support Network (ANI0292)

Introduction

1.1 This response has been submitted by the Women’s Support Network (WSN) in Northern Ireland. The Women’s Support Network welcomes the opportunity to contribute to the Women & Equalities Committee UK Abortion Inquiry NI.

1.2 Established in 1989 and based in Belfast, WSN is a regional organisation that works across all areas of Northern Ireland. It includes in its membership community-based women’s centres, groups and projects, with a concentration in disadvantaged areas. WSN is a charitable and feminist organisation, which adopts a community development approach.

1.3 Our vision is of a just and peaceful society devoid of gender discrimination, gender-based violence and women’s rights violations, in which women from all backgrounds and communities can experience full equality of opportunity and participation across all spheres of their everyday lives, including: employment, education and training, public and political life, health and the home.

1.4 Our mission is to advance women’s equality and rights by working to influence policy, practice and provision while also regionally supporting and representing the interests, needs and perspectives of women, particularly those in disadvantaged areas.

1.5 This response is informed by women’s perspectives gathered through focus group discussions and engagement questionnaires in women’s centres and groups.

1.6 Women’s centres and groups across Northern Ireland provide wrap-a-round services that support not only the woman but the whole family. They are trusted local organisations, mainly in disadvantaged areas, that women
and families are more likely to turn to or accept being referred to for support and advice at times of stress and difficulty.

2. Executive Summary

2.1 Northern Ireland has some of the most restrictive abortion laws in the world forcing women to travel to use abortion services elsewhere in the UK.

2.2 The success of the abortion referendum in the Republic of Ireland has put pressure on government to reform abortion laws in Northern Ireland.

2.3 Both CEDAW and the Supreme Court have said that by restricting women’s access to abortion in Northern Ireland the UK is in breach of its human rights obligations.

2.4 Research shows there are high levels of support for abortion law reform in Northern Ireland.

2.5 Not all women have the same views but the majority of women who informed this response were in favour of abortion law reform, in favour of abortion in cases of fatal foetal abnormality, rape or incest and were in favour of the UK government acting on this issue in the absence of devolved government.

2.6 The majority of the women who informed this response stated that their opinions had not changed over time. There was less agreement on the complete decriminalisation of abortion however the majority of women still favoured this.

3. Submission

Background

3.1 Northern Ireland has some of the most restrictive abortion laws in the world. Women, and those who help them, to access abortion are subject to harsh criminal penalties.
3.2 Abortion is illegal in Northern Ireland and can only be performed in very limited circumstances - if the mother’s life is at risk or if there is a permanent or serious risk to her mental or physical health. Fatal foetal abnormality, rape and incest are not grounds for a legal abortion. Therefore the number of abortions carried out in Northern Ireland is very low. There were 13 terminations of pregnancy in HSC hospitals in Northern Ireland during 2016/17.

3.3 This means that women in Northern Ireland are being forced to travel to use abortion services elsewhere in the UK where abortion is legal. In 2017, 919 women from Northern Ireland travelled to England and Wales for an abortion. This was an increase of over 25% on the previous year and the highest figure since 2011.

3.4 The success of the abortion referendum in the Republic of Ireland has put pressure on Northern Ireland to reform its abortion laws as it is now the only place in the United Kingdom and Ireland where women cannot access legal abortion. However there is some opposition to reform, not least from the DUP (Northern Ireland’s largest party) who are fundamentally opposed to abortion.

3.5 In 2015 the High Court in Belfast ruled that the lack of provision in Northern Ireland’s abortion law for cases of fatal foetal abnormality, rape or incest was not compatible with the European Convention on Human Rights.

3.6 In June 2018 the Supreme Court dismissed an appeal brought by the Northern Ireland Human Rights Commission (NIHRC) over the legality of Northern Ireland’s abortion laws. The court decided that it could not issue a declaration of incompatibility, which normally leads to a change in the law, because the NIHRC had no standing to bring the case.

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1 Northern Ireland Termination of Pregnancy Statistics 2016/17
3 Ireland voted 66.4% to repeal the eighth amendment to the constitution which grants an equal right to life to the mother and the unborn in May 2018
3.7 However the majority of the judges said the existing law was incompatible with human rights law in cases of fatal foetal abnormality and sexual crime. Lord Kerr said that, by a majority of five to two: “The court has expressed the clear view that the law of Northern Ireland on abortion is incompatible with article 8 of the Convention in relation to cases of fatal foetal abnormality and by a majority of four to three that it is also incompatible with that article in cases of rape and incest.” He added that while this was not a binding decision, “it must nevertheless be worthy of close consideration” by those who decide the law.

3.8 In a report issued in February 2018 the Committee on the Elimination of Discrimination against Women (CEDAW) said that a restriction affecting only women from exercising reproductive choice, and resulting in women being forced to carry almost every pregnancy to full term, involves mental and physical suffering constituting violence against women. It also potentially amounts to torture or cruel, inhuman and degrading treatment, in violation of several articles of the Convention on the Elimination of Discrimination against Women.

Devolution & UK Government Obligations
3.9 The issue of abortion reform is further complicated by the political situation in Northern Ireland. Devolved government collapsed in January 2017. Health policy and criminal law are transferred responsibilities falling under the Northern Ireland Assembly. Therefore until another Executive is formed abortion reform is an issue which cannot be resolved locally.

3.10 The UK government has argued that following the devolution of health Westminster cannot amend Northern Ireland’s law on abortion. However human rights are not a devolved issue and the Good Friday Agreement explicitly retains human rights responsibility for Westminster. This means that even if devolved government in Northern Ireland was restored the UK government still has the responsibility to uphold human rights in the UK including Northern Ireland.

3.11 The UK government has international obligations which devolution doesn’t change: “does not negate the direct responsibility of the State party’s national or federal Government to fulfil its obligations to all women within its jurisdiction”. Therefore the UK government cannot use the Belfast Agreement to justify its failure to revise Northern Ireland laws that violate the CEDAW Convention.

3.12 Even if devolution was restored the Secretary of State for Northern Ireland retains the power to order a Northern Ireland department to take any action which is necessary to give effect to any international obligations which includes those arising under CEDAW.

3.13 Both CEDAW and the Supreme Court have now said that by restricting women’s access to abortion in Northern Ireland the UK is in breach of its human rights obligations.

Public Opinion and Research on Abortion Law Reform

3.14 A recent survey by Amnesty International\(^5\) showed high levels of public support for abortion law change:

- 65% believe that having an abortion should not be a crime;
- 66% believe that in the absence of a devolved government, Westminster should reform the law;
- 80% think a woman should have the choice of an abortion when her health is at risk;
- 80% agree that a woman should have the choice of abortion in cases of rape or incest;
- 73% agree that the woman should have the choice of abortion in cases of fatal foetal abnormality.

3.15 The Amnesty Survey also found a high level of support for reform of abortion law from people of all political persuasions. 67% of DUP voters questioned agreed that having an abortion should not be a crime and 65% agreed

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think that Westminster should reform the law in the absence of a devolved government.

3.16 The Northern Ireland Life and Times Survey\(^6\) (NILT) also found that there is very strong support among the Northern Ireland public for abortion to be allowed where there is a risk to the life of the woman or a serious risk to her physical or mental health, in cases of fatal or serious foetal abnormality and where a pregnancy is a result of rape or incest. However the survey also found the majority of people are opposed to abortion in cases where a woman wants an abortion because she does not want more children, has lost her job or wants an abortion because she has a new job.

3.17 The NILT Survey found there is strong opposition to the criminalisation of women who buy abortion pills online and to the imprisonment of women for having abortions. There is also opposition to doctors facing criminal charges for carrying out an abortion.

3.18 A Trade Union Survey carried out North and South of Ireland\(^7\) showed overwhelming views in favour of reform:

- 62% agreed/strongly agreed that expanding access to abortion should be a priority issue for the government;
- 72% agreed/strongly agreed that politicians should show leadership and deal proactively with the issue;
- 76% agreed/strongly agreed that the criminal punishment for abortion should be removed;
- Only 17% agreed/strongly agreed that the law should remain as it is.

**Views of women who informed this response**

3.19 Not all women are the same and women are not a homogenous group. This means that views and attitudes differ and the subject of abortion law reform is no different.

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\(^6\) [http://www.ark.ac.uk/publications/updates/update115.pdf](http://www.ark.ac.uk/publications/updates/update115.pdf)

\(^7\) Abortion as a Workplace Issue, A Trade Union Survey North & South of Ireland, University of Ulster, Fiona Bloomer, Johanne Devlin Trew, Claire Pierson, Noirin MacNamara, Danielle Mackle, October 2017
3.20 This response is informed by discussions with women’s centres/groups and the individual views of 48 women who completed questionnaires on this subject.

3.21 Main findings

- 85% of women surveyed agreed that abortion law needs reformed in Northern Ireland;
- 89% of women surveyed agreed that abortion should be allowed in cases of fatal foetal abnormality, rape or incest;
- 61% of women surveyed agreed that abortion should be completely decriminalised in Northern Ireland;
- 72% of women surveyed stated that their opinion on the issue of abortion had not changed over time;
- 75% of women surveyed supported reform of abortion law by the UK government in the absence of the Northern Ireland Assembly.

Support Services

3.22 There is a lack of support services in Northern Ireland for women dealing with abortion issues, and the services that are available are mainly located in Belfast and not accessible to all. Women’s centres are situated in the hearts of communities throughout Northern Ireland, they are trusted spaces where women can feel comfortable in talking about difficult issues and where they can receive the personal support they need to deal with the impact of these issues.

3.23 Very often the sharing of deeply personal and painful stories only happens in familiar and trusted environments like women’s centres. Facilitating the opportunity to talk, share experiences and concerns in a supportive environment is important to help women going through this experience.

3.24 Despite the very great need for these trusted, safe spaces, funding for the women’s sector has been continually diminishing over the past ten years. In the last five years alone, the women’s sector has faced cuts of 2-5% per year from budgets with more year-on-year cuts planned. Women’s
organisations have seen a shift from core funding to short-term project funding. This limits their ability to respond to emerging issues, retain key experienced staff and develop any long term planning to meet the needs of women. The current political situation, the lack of a devolved government in Northern Ireland, only serves to intensify funding uncertainty.

3.25 Adequate support and services should be provided to women who are considering, planning or who have had an abortion. These services must be provided in a trusted, safe space where women feel they can talk about the issues affecting them and access signposting and support. Without adequate and sustained funding for the women’s sector this will become increasingly impossible.

Example of service cuts

Shankill Women’s Centre formally delivered a Lottery-funded Young Womens project with five members of staff. As part of this project services were delivered in schools talking to young girls/women about how to protect themselves against unplanned pregnancies. The vision was to have this mainstreamed as part of the school curriculum however departmental budgetary cuts resulted in this programme being withdrawn. Other areas of the Young Womens project have continued after securing alternative funding but the service to schools ended. This service was very valuable and helped to educate and inform young women and girls ensuring they have the information they need at the right stage in their reproductive life.

Other Issues

3.26 Abortion reform is often closely linked with religious belief in Northern Ireland. Research by NILT\(^8\) shows that differences in views to abortion become much more apparent when attitudes are analysed by the religion of respondents. The research shows that respondents of no religion were more

\(^8\) http://www.ark.ac.uk/publications/updates/update115.pdf
likely than Catholics and Protestants to say that abortion should be legal and Catholics were least likely. This can lead to stigma around the issue of abortion and leave some women afraid to talk about it. This may be a particular issue in small rural communities where there are strong community ties around local Churches/parishes.

3.27 Northern Ireland has lower average earnings, higher levels of economic activity and welfare dependence and larger average family sizes compared to the rest of the UK. One in five of the Northern Ireland population live in poverty. Additional to this is the introduction of welfare policies which have a disproportionate impact on women. The introduction of the two-child limit to the tax credits system is one such example. This will have undoubted impacts on women’s ability to afford additional children. These issues leave women, particularly those suffering from poverty and those who are the most marginalised, in a very difficult position if they find themselves with an unplanned pregnancy. Many fear for how they are going to provide for another child when they are already in a precarious position and with no support for more than two children under welfare reform it will leave many unable to afford an unplanned pregnancy.

3.28 Although abortion is offered for free in England, Wales and Scotland to women travelling from Northern Ireland they still face the cost of associated travel and accommodation. Ireland have also committed to providing abortion services but women from Northern Ireland will have to pay to access this.

4. Recommendations

- Abortion law should be reformed in Northern Ireland.
- Abortion should be allowed in cases of fatal foetal abnormality or in cases of rape or incest.
- Abortion should be completely decriminalised in Northern Ireland.
- Reform of abortion law should be carried out by the UK government in the absence of a Northern Ireland Assembly.

• More support should be available for women in their local communities around the issue of abortion. Long-term, adequate funding should be put in place to continue the provision of trusted, safe spaces in women’s centres where women can go to talk about the issues they face. This should include the provision of dedicated workers who have the necessary skills, training and experience to support women at all stages of this process.

• The provision of relationship and sexual education for young people needs to be strengthened and more consistent in schools across Northern Ireland.

5. Quotes from Women who participated in the Consultation

“I have always believed abortion should be legal. As a result of current abortion laws in Northern Ireland women are treated as second class citizens. They have no rights over their own bodies in the case of unwanted pregnancies and the Assembly (DUP) are ignoring their rights and the opinions of people in Northern Ireland.”
- Participant in Consultation Exercise

“Women should have the right to make this decision.”
- Participant in Consultation Exercise

“Long overdue, the law needs to be changed.”
- Participant in Consultation Exercise

“I do not agree with abortion but as always there are exceptions to this.”
- Participant in Consultation Exercise

“It's an out of date law.”
- Participant in Consultation Exercise

“It depends on the situation of each individual case.”
- Participant in Consultation Exercise
“This is a medical matter. The law should not be influenced by law maker’s religious beliefs.”
- Participant in Consultation Exercise

“I personally don’t support it but I can see the two sides especially if there are issues around rape or fatal foetal abnormality.”
- Participant in Consultation Exercise

“Belonging to a women’s group everyone thinks you are fully supportive of abortion but everyone has their own opinions and some don’t support it.”
- Participant in Consultation Exercise

“Everyone should have a choice especially under difficult circumstances.”
- Participant in Consultation Exercise

“I would never judge anyone but in some cases women are using abortion as contraception and I don’t agree with that.”
- Participant in Consultation Exercise

“No one wants to have an abortion but women need choice.”
- Participant in Consultation Exercise

“Abortion has become too easy when pregnancy is an inconvenience.”
- Participant in Consultation Exercise

“No one has the right to tell a woman what to do in this case.”
- Participant in Consultation Exercise

“There needs to be stringent guidelines for abortion, a life begins at conception but the mother’s life is

“Everyone’s views are different, it is very easy to moralise if you have not had personal experience.”
- Participant in Consultation Exercise