1. Abortion Rights was formed in 2003 by the merger of the two long-standing and influential campaigns – the National Abortion Campaign (NAC) and the Abortion Law Reform Association (ALRA).

2. As a national campaign, we seek to build the widest possible support for a woman’s right to choose, and encourage individuals and organisations across the political spectrum to join us.

3. Executive Summary

4. This submission will primarily focus on two main points of the Committee’s Terms of Reference - what are the responsibilities of the UK Government under its international obligations for taking action to reform abortion law in Northern Ireland and how should these be reconciled to the UK’s devolution settlement.

5. The UK government has been overseeing an injustice and human rights violation that would force women to remain pregnant against their will, or to make criminals of themselves procuring their own abortion, if they are not able to travel outside of Northern Ireland to England for safe, legal abortion services.

6. It is shameful that this government is allowing Northern Ireland to be forgotten, even in the wake of recommendations to liberalise the draconian abortion laws from human rights organisations, parliamentary research groups, and even Northern Irish Councils.

7. The current abortion law in Northern Ireland

8. In 2017, Abortion Rights celebrated the 50th anniversary of the Abortion Act, and the courageous women and men of ALRA who campaigned to enact it. England, Scotland and Wales are still governed by the Abortion Act 1967, although it was never extended to Northern Ireland. Trapped within the legal framework of criminal law, abortion care is being regarded unlike any other medical procedure available in the UK today.

9. The current laws that govern abortion in Northern Ireland were made in the age of Queen Victoria. In Northern Ireland, the maximum penalty is life imprisonment for the woman undergoing the illegal abortion and for anyone assisting her.

10. Internet access has proved to be a revelation for women in countries where abortion is severely restricted and desperately needed. Many women are able to order medical abortion pills from online providers. The medical abortion pills are safe when
provided by reputable organisations that offer women online, or telephone medical assessments before issuing the pills. We know that this is currently happening in Northern Ireland. Women are willing to risk their liberty to have a medical abortion in the comfort of their own homes, rather than travelling to another country to access legal medical abortion services, often bleeding and passing the pregnancy in transit while on the long journey home.

For those campaigners that are still battling for abortion access in Northern Ireland, where the Offences Against the Person Act severely restricts abortion in the region, their rallying cry is that they do not want to just extend the ‘67 Act to Northern Ireland. The culture of buying medical abortion pills online in Northern Ireland shows the need for a more modern approach than the Abortion Act can offer, so as not to criminalise women for accessing healthcare they desperately need.

The UK’s international obligations to reproductive rights

The UN Committee on the Elimination of Discrimination against Women (CEDAW) says that the current abortion laws in Northern Ireland amount to grave and systematic violations of women’s rights. CEDAW’s report from February 2018 states that the situation in Northern Ireland potentially amounts to torture or cruel, inhuman and degrading treatment, as abortion access is restricted even in the event of a woman becoming pregnant from rape or incest, or if a wanted pregnancy is diagnosed with a fatal foetal abnormality.

CEDAW are clear that the UK’s devolution settlement does not affect the responsibility that the UK government have to write this wrong, and allow Northern Irish women to have access to abortion services in their own country. Their report outlines,

‘The UK argues that following the devolution of health and criminal law to NI, Westminster cannot amend NI’s criminal law, including revising abortion laws. The Committee recalls that under international law of State responsibility, all acts of State organs are attributable to the State. The Vienna Convention on the Law of Treaties provides in article 27 that a party to a treaty may not invoke the provisions of its internal law as a justification for its failure to perform it. Moreover, the Committee’s General Recommendation (GR) No. 28 (2010) on the core obligations of States parties reiterates that the delegation of government powers “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”. Thus, the UK cannot invoke its internal arrangements (the Belfast Agreement) to justify its failure to revise NI laws that violate the CEDAW Convention.’
Human rights, and a woman’s right to live free from discrimination, are not devolved issues, and so Westminster has a duty Northern Irish women to act now.

It’s not only the UN that regard the abortion laws in Northern Ireland to be in opposition to women’s rights. The Northern Ireland Human Rights Commission propose that the abortion law in Northern Ireland is incompatible with the following articles within the European Convention on Human Rights:

- Article 3 (the prohibition of torture and of inhuman or degrading treatment);
- Article 8 (the right of everyone to respect for their private and family life); and/or
- Article 14 (the prohibition of discrimination).

Earlier this year, when reviewing these claims, it was the opinion of a majority of Supreme Court judges, who were forced to dismiss the bid to change the law on a technicality, but nevertheless concluded that Northern Ireland’s law is incompatible with human rights. Lord Mance outlined, “the current Northern Ireland law is incompatible with article 8 of the [European human rights] convention insofar as it prohibits abortion in cases of fatal foetal abnormality, rape and incest”.

Amnesty International polls have shown that 65% of Northern Irish public want to decriminalise abortion. The research also found high support for reform of Northern Ireland’s abortion law came from all political persuasions. They reported, “67% of DUP voters questioned agreed that having an abortion should not be a crime and 65% think that Westminster should reform the law in the absence of a devolved government”. iii Belfast Council have also recently passed a motion in favour of decriminalising abortion in the country. But this call for change from within Northern Ireland is still not being listened to.

Stormont has the power to change Northern Irish law when it sits, however, it has not been in session since January 2017. Nearly 2 years have passed, and in those 2 years, approximately 1,500 women will have travelled to from Northern Ireland to England to access an abortion service.iv This degrading treatment of women in need of abortion care is too pressing for Westminster to ignore any longer. It’s time for all of us in Great Britain to stand up in solidarity with all Northern Irish women, and to demand change.

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End Notes


Estimate of the number of Northern Irish women who will have travelled from Northern Ireland to England during 2017 and 2018 calculated from the average number of Northern Irish women who have travelled over the last 5 years. See full Department of Health and Social Care abortion statistics and commentary, https://www.gov.uk/government/statistics/abortion-statistics-for-england-and-wales-2017