Sinn Féin welcomes this inquiry into abortion laws in the north of Ireland. The time for legislative change has long since passed.

Since the overwhelming vote to repeal the 8th amendment from the Irish Constitution, focus has rightly turned to the north. Irish society has clearly evolved and attitudes to these important societal issues are a huge part of that. We are a part of that change however our society is being held back and our rights held hostage by the intransigence and arrogance of the DUP. This must change.

A recent opinion poll commissioned by Amnesty International confirms what previous polls have told us, that a clear majority are in favour of reform of our abortion laws. 65% believe that abortion is not a crime and a 75% believe we need urgent legislative reform.

A recent report titled “Abortion as workplace issue” (Accessed via www.unison-ni.org.uk/sites/default/files/TU%20Abortion%20Report%20Oct9_Final_Final_Edit.pdf) which was a trade union survey in the north and south of Ireland on the issue of abortion. It was quite a detailed undertaken and provides an insightful understanding of the issues and themes around the topic. In particular, the level of support for better services.

As part of the conclusions it clearly highlights the impact it is having within the wider workforce.

“.... The results also clearly illustrate that lack of access to abortion in the Republic and Northern Ireland has effects in the workplace, both in terms of practicality and disclosure. …”(Page 35)

Of the 3,180 respondents,

- 87% believe a woman should not be criminalized for having an abortion.
- 77% believe abortion should be available when a women’s life is at risk.
- 66% believe it should be available if the pregnancy is a result of rape.
- 64% believe is should be available if the pregnancy is a result of incest.

Everyday women are making decisions in the face of devastating circumstances. Parents who receive a diagnosis that their baby has a life limiting illness must travel abroad if they wish to have a termination. A girl or woman who becomes pregnant as a result of rape must travel abroad if she wants a termination.

All of the women above, are treated like criminals for having to make tough and heart breaking decisions. It is wrong to criminalise women who choose to have an abortion. It is also wrong to criminalise those healthcare professionals who have a duty of care to vulnerable patients.

The fact that abortion continues to sit in criminal law has a chilling effect on healthcare workers and on doctor’s willingness to authorise terminations. The threat of prosecution,
that is unique to abortion, also deters doctors from wanting to enter the realm of women’s healthcare or train in this area.

The issue of abortion has come up a number of times in the Assembly. In 2013 and 2015 there were attempts to further restrict where terminations could take place.

On both occasions the DUP, supported by the SDLP and the UUP, sought to amend current legislation (the 1861 and 1945 Acts) to say that in the case of those carrying out the terminations that their actions would be unlawful unless they were carried out at a health and social care trust property, such as a hospital or elsewhere if the circumstances were urgent and without a fee.

Sinn Féin, along with Alliance and the Greens submitted a Petition of Concern. The impact of this was to block the change in legislation.

In 2016, there was an amendment to the Criminal Justice Bill that would have allowed women to have a termination in cases of Fatal Foetal Abnormalities. Sinn Féin, along with Alliance and the Greens supported the amendment. However, the DUP, UUP and the SDLP voted against it and the amendment fell. This is the last time the assembly voted on this issue, however we have since had two elections and now we have a completely new assembly, it is clear the outcome would be different.

In April 2018, a working group on published a report on this issue after 2 years. It recommended that abortion law be changed in the cases of Fatal Foetal Abnormality.

Under the Good Friday Agreement the British government has a responsibility to protect the rights of citizens.

In the first instance, we need to see sections 58 and 59 of the Offences against Persons Act (OAPA) 1861 repealed in order to decriminalise abortion. This is an issue of healthcare and the fact that issue sits within criminal law continues to have a chilling effect

It is disgraceful that a 157-year-old law continues to govern over women’s access to healthcare. This is a British Law and as such it is up to Westminster to legislate for its repeal.

However, the next step must be local legislation to allow for human rights compliant access to healthcare. It is our clear preference that this is done by locally elected representatives in a local assembly. In the case of no local Assembly, we have called for the British and Irish Intergovernmental Conference to deal with all outstanding rights issues.

We wish to see harmonisation of legislation on this issue across the island of Ireland. Following the repealing of the 8th amendment from Bunreacht na hÉireann, the Bill to allow for termination of pregnancy has passed through Dáil Éireann and is progressing through the Seanad Éireann. (www.oireachtas.ie/en/bills/bill/2018/105/)

Sinn Féin has played an active role in amending and the passage of this Bill. Our spokesperson Megan Fearon MLA recently hosted a delegation of campaigners and service providers from the north to meet with Minister for Health, Simon Harris TD. He again gave assurances that he would do all he could to ensure women from the north could access
services. Whilst this is clearly preferable to travelling to Britain, women should not have to travel at all to be cared for.

On this issue, there is an urgency for the action. Not only are women are currently being dragged through the courts and criminalised, they are being put at risk by not having access to safe and appropriate healthcare.

Women cannot wait.

Sinn Féin would like to draw attention to Human Rights Commission’s recent annual report on rights in the north of Ireland. It once again highlights that the issue “requires immediate action”. (Accessed via www.nihrc.org/publication/detail/annual-statement-2018)

Sinn Féin notes the CEDAW/C/OP.8/GBR/1 paper which clearly states that the British Government as the ‘State party’ needs to urgently repeal sections 58 and 59 of the Offences against the Person Act, 1861 and adopt legislation to provide for expanded grounds to legalise abortion in some circumstances. It also argues for changes and provision of services in relation to that sexual and reproductive health rights.

The official Sinn Féin policy is as follows:

This Ard Fheis, recognising the decision of the people to repeal the 8th amendment of the constitution and the need for legislature to now address the issue of abortion;

This Ard Fheis:

• reasserts that abortion should be available where a woman’s life, health or mental health is at risk and in cases of fatal foetal abnormality;

• supports the Joint Oireachtas Committee findings that it is not possible to legislate for abortion in the case of rape in a compassionate way;

• recognises that Irish women already access abortion services every day in other countries or through abortion pills purchased online without any medical supervision;

• accepts that abortion without specific indication should be available through a GP led service in a clinical context as determined by law and licensing practice for a limited gestational period.

Sinn Féin members of a legislature shall act in line with the view of the Ard Chomhairle which will be informed by the best available medical advice, when legislating regarding the limited gestational period.

December 2018