About Alliance for Choice:

Alliance for Choice believes everyone who needs an abortion should have free, safe and legal access in their own country, without stigma.

Alliance for Choice was set up in 1996, we campaign for free, safe and legal abortion access in Northern Ireland, an end to the criminalisation of women and pregnant people and an end to the harassment of people using reproductive health services. Much of our work has been about giving voice to the tens of thousands of abortion seekers from Northern Ireland who had abortions in England and elsewhere, or at home & alone with the threat of prosecution and without medical support. Alliance for Choice are currently supported by the Joseph Rowntree Reform Trust¹ as well as donations from Trade Unions and individual donors via our Local Giving page.

We respond to government consultations, we work in partnership with a range of Civic Society Organisations, Healthcare Providers, Women’s groups and more. We provide community education to women’s groups across Northern Ireland and we host talks and seminars to supportive organisations who wish to learn more. We co-produce cultural events and artefacts, we contribute to academic research and we respond to media on a daily basis.

We have been escorts for women into the only abortion clinic in Belfast, now closed². We have raised money for people’s abortions, we have signed letters pointing to our needs to break an unjust law, Most shockingly and yet most necessary, we provide abortion seekers with advice, signposting, provision and legal help. Alliance for Choice is made up of people who have dealt with untenable pregnancies, we are people who have had abortions. But we are also often the first point of contact or the only one that people feel safe to talk to about abortion pills, the chances of prosecutions or if they will bleed to death.

We have been the recipients of the “Liberty Long Walk to Freedom” Award 2017³, the Political Studies Association “Campaign of the Year”⁴ Award in 2018.

Contact:

We will be responding to the broad remit of the inquiry, bearing in mind the scope of our organisation’s work and the direct experience of our members with the issue. We believe that other legal and human rights bodies will have more to add on the issues of devolution and the responsibilities of Westminster. Our response is supported by footnotes and an Appendix.

1. What are the views of the general public, women and medical and legal professionals in Northern Ireland about the law on abortion and whether it should be reformed?

   i. 2018 Public Opinion:

¹ Joseph Rowntree Reform Trust http://www.jrrt.org.uk/
² https://graziadaily.co.uk/life/real-life/abortion-northern-ireland/
⁴ PSA Award https://www.psa.ac.uk/psa/news/psa-awards-2018-award-winners-announced
A. Abortion as a Workplace Issue:

1. Of the 3,180 respondents, 2,031 were from NI.
2. 61% agreed / strongly agreed with the statement that the current restrictions on abortion access were cruel and inhumane.
3. 85% stated a woman should not arrested and prosecuted for having an abortion
4. 19% had direct experience of abortion as a workplace issue

Of those with direct experience:
3. 43% struggled to pay for the costs
4. 24% wanted time off after the abortion but couldn’t afford to lose wages
5. 12% needed time off and were able to get sick pay
6. 9% They needed time off and used unpaid leave

B. Amnesty Poll 2018

“Until now reform has been put off due to the political climate in Northern Ireland, which currently doesn’t have a government. But our poll shows that 66% of Northern Irish adults think that, without their own government, Westminster should act to change the law.”

A. ARK research on Political Parties being behind the General Public 2018

“These findings, based on the views of a representative sample of the Northern Ireland public, show that abortion legislation in Northern Ireland is out of step with public opinion. They also suggest that in some cases the views of political parties are out of step with those of their supporters”

ii. Women & Trans people:

A. Penny Post Campaign

Alliance for Choice launched a letter-writing and email campaign to urge Penny Mordaunt to redress the human right wrongs for abortion seekers in Northern Ireland. This was to try and demonstrate the strength of opinion of real people living in NI.

B. Those who travel

“A total of 342 women and girls – including at least one 12-year-old – went to England for a termination through the British Pregnancy Advisory Service (BPAS) in the three months since March [2018]: a significant increase on the 190 women who travelled to use the same service in the previous nine months.” This is in contrast to the gradual decline in numbers travelling over the last 8 years, attributed to the rise in number of those accessing abortion pills online.

C. We have many anecdotes from our “My Body, My Life” workshops and our Trust Women workshops, where we get disclosures of abortion experiences every time. That the birth rate in NI is comparable to rest of GB indicates than the restricted access to abortion here has not prevented people from accessing abortion when they need one. Sexual Health education in Northern Ireland is very poor and we know that this increases the likelihood of unplanned pregnancy. Increased poverty and deprivation in NI also make unplanned pregnancies more likely to be crises due to economic circumstances.

D. Victims and Survivors of Domestic Abuse and Sexual Violence

In Northern Ireland, a lack of access to legal abortion beyond saving grave or fatal health outcomes means that every person who attempts to access it outside of the strict parameters of the law is at

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5 https://www.unison-ni.org.uk/abortion-workplace-issue-%E2%80%93-ground-breaking-survey
6 https://www.amnesty.org.uk/northern-ireland-abortion-law-poll
7 http://viewdigital.org/2015/12/alliance-for-choice-launches-trustwomen-campaign-over-abortion/
9 http://www.alliance4choice.com/events/2017/12/my-body-my-life
10 http://viewdigital.org/2015/12/11/alliance-for-choice-launches-trustwomen-campaign-over-abortion/
risk of prosecution, but equally it has the effect of turning the victims of incest, rape and domestic violence into criminals. As stated by the recent CEDAW inquiry: “the criminalisation of abortion places female victims of rape or incest at risk of being treated as criminals themselves and has contributed to the underreporting of rape, fearing prosecution and conviction”.

For this to continue only in Northern Ireland is a form of State violence against women and girls and has no perceivable benefits to women or to the wider community. Alliance for Choice believes that this is clear evidence of State violence and abuse of women in the denial of abortion services in NI for those who need them. This does not only apply to those for whom the crisis pregnancy is a result of abuse or of a sexual crime, but to every person who risks their life and health by self-administering abortion pills without access to emergency medical care for fear of prosecution, or those who are forced to travel for abortion healthcare, or those who have been forced to endure a pregnancy they know will not survive against their wishes. CEDAW has been unequivocal in its summary\(^\text{11}\)

E. Trans People:

It’s vital we include Trans* experiences of pregnancy which can range from mental health triggering dysphoria right up to wanting pregnancy despite causing conflict for transition treatment. Alliance for Choice would like to highlight the submission of Transgender NI, as we know they have members who have had to access abortion care despite the law. We know that trans people need abortions. Although the figures for reporting on abortion from the Department of Health cites only women and girls, we know that there will be trans men and non-binary people hidden within these figures. It can often be too traumatic to reveal one’s chosen gender. We also know that there are disproportionately high levels of coercive control meted out to trans people in intimate relationships, which can often take the form of the removal or enforcement of contraception, the forced termination or coercion of pregnancy as well as the threat of outing to one’s family. These are sensitive issues that are further compounded by a lack of accessible and safe abortion care in a local setting.

F. Women of Colour and Migrant Women

When we think of access to abortion it is important to remember that before the access to funded abortions in England, this was an issue of means. The current laws have meant that most women with access to financial means have been able to have abortions, but this required travel to England, meanwhile those who don’t have the means or who live in precarious situations must take matters into their own hands using pills brought online or even continue with an unwanted pregnancy and birth. In Northern Ireland we have growing numbers of migrant and ethnic communities who come here to escape oppression and are largely unaware of the restrictions around abortion (which are usually greater than those in their birth countries). Accessing abortion in Northern Ireland requires complicated navigation of the health system. Most GPs and hospital staff are too afraid to even recommend travel to England and the Dept. Of Health have as yet, refused to release guidelines for this particular pathway to care despite it being in place since October 2017. These complications make it already difficult for women who speak English and have access to the internet or networks of women who have had the same experience,

\(^{11}\)The Committee assesses the gravity of the violations in NI in light of the suffering experienced by women and girls who carry pregnancies to full term against their will due to the current restrictive legal regime on abortion. It notes the great harm and suffering resulting from the physical and mental anguish of carrying an unwanted pregnancy to full term, especially in cases of rape, incest and severe foetal impairment, particularly FFA.83 The situation gives NI women three deplorable options: (a) undergo a torturous experience of being compelled to carry a pregnancy to full term; (b) engage in illegal abortion and risk imprisonment and stigmatisation; or, (c) undertake a highly stressful journey outside NI to access a legal abortion. Women are thus torn between complying with discriminatory laws that unduly restrict abortion or risk prosecution and imprisonment.

The systematic nature of the violations stems from the deliberate retention of criminal laws and State policy disproportionately restricting access to sexual and reproductive rights, in general, and highly restrictive abortion provision, in particular. Westminster and NI authorities acknowledge the magnitude of the phenomenon and choose to export it to England where NI women travel to access abortions. The UK’s observations and interviews with NI authorities clarify the deliberate intention neither to decriminalise abortion nor to expand the grounds for legal abortion. Availability of abortion in other parts of the State party does not absolve it of its responsibility under the Convention to ensure accessibility in NI. (our highlights)
therefore the difficulty is compounded for women who are new to the country and do not have the same access to this information, or even know where to get help.

iii. Medical:
The following Medical bodies are in support of decriminalisation of abortion for women & pregnant people in GB and NI;

A. Royal College of Midwives
The RCM has long campaigned for women in Northern Ireland to be given the same rights and access to abortion healthcare services as women in other parts of the UK.12

B. RCOG13
“Members of the Northern Ireland Committee have increasing concerns regarding the purchase of abortion-inducing medications online and the potential complications that can arise when they are not taken under medical supervision. This poses difficulties for healthcare professionals caring for women under such circumstances and places women and professionals at risk of imprisonment.

We are aware that women, particularly those in vulnerable circumstances, are more likely to attempt to access abortion pills online, despite the recent changes in arrangements for abortion provision in England. It is also more likely that women may delay seeking help should they develop any complications from taking these pills, due to the fear of being discovered and the potential legal consequences.”

A. RCN14
Only recently the Royal College of Nursing (RCN) released the results of their consultation on decriminalisation. The UK-wide poll of members revealed that 73.7% voted in favour of removing criminal sanctions on abortion – however, they are yet to take a position on this issue.

B. Medical Students for Choice. 15 “We actively support the introduction of legislation to ensure the full decriminalisation of abortion in NI, and stand in solidarity with the Repeal the 8th coalition in the Republic of Ireland.”16

C. We know that there are medical professionals who support women’s access to abortion. We had a number of Doctors, nurses and others who worked at Marie Stopes Belfast17 when it was opened between 2012 and 2017. We also know that there were a number of Obstetricians and Gynaecologists who provided abortions for FFA and for so-called vulnerable women until 2013 Guidelines from the Dept. Of Health in NI, numbers of abortions per year dropped from around 80 to around 20.

D. BMA
The BMA supports the decriminalisation of abortion UK-wide. Abortion should be treated as a medical issue rather than a criminal issue.18

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15 https://www.facebook.com/MSFCQUB/
16 http://www.qubsu.org/change/Campaigns/ProjectChoice/

The BMA supports the extension of the Abortion Act 1967 to Northern Ireland, where it would remain applicable if abortion was decriminalised (for example, if abortion was decriminalised up to 24 weeks’ gestation, the Abortion Act may still apply post 24 weeks gestation). The BMA has expressed concerns about section 5 of the Criminal Law Act (Northern Ireland) 1967 which places a legal duty, unique to Northern Ireland, on everyone to report to the police information they may have about the commission of a relevant offence (i.e. one with a maximum sentence of five years or more).
iv. **Legal Developments:**

A. Supreme Court Case – as noted
B. CEDAW – Inquiry of 2016-2017
C. Guidelines FPA\(^\text{19}\) 2003-2015 court cases
D. Judicial reviews, JR 76, A & B funding,
E. Homes searched; \(^\text{20}\) Members of Alliance for Choice have had their homes raided by police
F. Working Group \(^\text{21}\)

**Political Support**

**2016 Assembly elections**\(^\text{22}\):

MLAs with a pro-choice stance (outside of the DUP) campaigned as such and gained significant votes b in the 2016 election. There were also a far greater number of openly pro-choice candidates standing, some of whom took seats in areas with previous anti-choice representatives. All of the parties agreed that allowing women greater access to abortion services, albeit in limited circumstances, is an issue that they have to deal with. Sinn Féin and the Alliance parties believed then that new legislation was needed whereas the DUP believe that guidelines for health care professionals on the current law would be sufficient.\(^\text{23}\) The final tally for FFA Legislation was 40 ayes and 59 noes. Having 40 MLAs vote in favour of progressive legislative change for abortion in NI in 2016 marked the start of a significant sea-change in the political arena.

The BBC reported in October that with the exception of the DUP - which opposes any change to Northern Ireland’s law – and Sinn Féin who support decriminalisation, the other main parties; Alliance, the SDLP and the Ulster Unionists all allow a freedom of conscience approach amongst its members.

Sinn Féin – on the 16 June the party voted that women should have access to abortions within ‘a limited gestational period’. The party is not allowing a conscience vote on abortion.

SDLP – on the 19 May the party voted to allow a conscience vote on abortion.

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\(^\text{19}\) https://www.fpa.org.uk/sites/default/files/northern-ireland-abortion.pdf


\(^\text{21}\) https://www.health-ni.gov.uk/publications/report-working-group-fatal-fetal-abnormality

\(^\text{22}\) After talks failed to produce agreement another Assembly election was called in 2016 that resulted in Sinn Fein having one seat less than the the DUP (27 to 28), and thus Unionist parties (DUP, UUP, TUV) are no longer a majority in the Northern Ireland Assembly and the DUP loss of MLAs meant they no longer have the power to issue a petition of concern, used to stop reform of abortion or same sex marriage.


\(^\text{24}\) Women’s manifesto – worked reproductive rights and health section

http://www.wrda.net/Documents/Womens%20Manifesto%202016.pdf (Page5)


Humanists Northern Ireland Proposals Document 2016-2026 (Page5)

2. How have those views changed over time?

i. Trust Women Campaign:

Northern Ireland Committee ICTU (NIC ICTU) Biennial Delegate Conference 2016

Political Parties such as the Green Party, Alliance Party, Sinn Féin and People before Profit begin to adopt the language of our “Trust Women” campaign, 2016-2018

Organisations previously resistant begin inviting AfC to host Trust Women workshops 2016-2018

We have made great strides in garnering the support from other Civil Society organisations in Northern Ireland. In 2014 we would have struggled to get organisations to publicly support us even if they privately did, whereas now this phenomenon is abating as we see from our letter published to Theresa May, in June 2018.

ii. Our public information stalls.

Emma Gallen, our Belfast information stall coordinator says;

‘As stall Coordinator I’ve witnessed the change in public opinion first hand. The stark change in people being willing to stand on the streets week in week out came from Sarah Ewart’s public case, the next noticeable surge came from the prosecution of a young woman arrested for ordering abortion pills online.

The weekend after the prosecution we had 100’s of people engage with the stall. Within months people started asking how to get more involved and we started actively asking people to become stall volunteers and we have 60 people who have completed training and volunteer at different points.

Displaying clearly that we support abortion rights has given other people more courage to say they are too, people regularly come up to say they have had an abortion or to ask how to access the pills. A frightening number tell me about sexual assaults, most recently a heavily pregnant woman stopped at the stall with her husband to say that although she is happily pregnant now, she still has nightmares about being raped and what trauma a resulting pregnancy would have brought.’

iii. Support through social media.

Alliance for Choice also believes the huge growth in our support reflects the growing vocal support for abortion access more widely in NI.

If you bear in mind that our organisation has a small daily workforce of one or two people backed up by a board and a steering group of 20, the following social media figures reflect huge change.

We have grown from 0 followers on Facebook in December 2015 (when we had to create a page rather than a group) to just over 7000 likes in December 2018.

iv. Council Motions.

There were four City Council motions this last year and a half relating to abortion.

A. 05/04/2017 - Belfast City Council Passes motion condemning harassment of women using reproductive healthcare facilities in Belfast. Motion was supported by cross party councillors including DUP. Some SDLP members were disciplined for breaking the whip.

B. 09/04/2018 – Belfast City Council passes motion supporting the end of Criminalisation of Abortion

C. 28/06/2018 - Derry and Strabane District council passes a motion endorsing the repeal vote in Ireland and calling for decriminalisation of abortion in Northern Ireland

25 Alliance for Choice – Trust Women Campaign

Conference applauds the Alliance for Choice campaign – ‘Trust Women’ and calls on all candidates in the forthcoming Assembly elections to support.

26 Letter to PM http://www.alliance4choice.com/letter-to-pm/

27 Belfast City Council Harassment vote: https://www.belfasttelegraph.co.uk/news/northern-ireland/real-scandal-is-councillors-failure-to-condemn-harassment-at-clinics-35593665.html
vi. Past Polls

A. RTE/BBCNI cross border survey:\(^{28}\)
   The cross-border survey reported that 64\% of people in the Republic of Ireland said abortion should sometimes be available, 22\% said it should always be available, whilst 14\% thought it should never be allowed. In Northern Ireland, the corresponding figures were 56\% sometimes, 23\% always and 20\% never.

B. Millward Brown Opinion Poll: \(^{29}\)
   Carried out for Amnesty International to launch their ‘My Body My Rights’ campaign in October 2014. Overall between 6 and 7 in 10 of the total population sample support abortion in certain circumstances; rape and incest are the most compelling reasons for making abortion available.

C. Northern Ireland Life and Times Survey,
   1. What the NILT findings also reveal is strong support for abortion reform in Northern Ireland across voters for all the main political parties here. In cases of fatal or serious foetal abnormality, where the life or health of the mother is at serious risk and in cases of rape and incest the overwhelming majority of supporters of each of the main parties said that in their view abortion should definitely or probably be legal.

G. Amnesty 2016 Poll
   1. 58\% of Northern Irish people think abortion should be decriminalised so there would be no criminal penalty for women who have abortions in Northern Ireland; 22\% are opposed to this change
   2. 59\% of Northern Irish people think abortion should be decriminalised so there would be no criminal penalty for doctors and medical staff who assist women to have abortions in Northern Ireland; 21\% are opposed to this change.
   3. 73\% of Democratic Unionist Party (DUP) voters would support provision of abortion in some circumstances, at odds with the party.

3. What are the experiences of women in Northern Ireland who have been affected by the law on abortion?

   i. Alliance for Choice have made a submission full of individual’s experiences, gathered from this page on our public website:


   Within this other submission we have also explained the dearth of accounts on accessing safe but illegal abortion pills online and attempted to redress the absence.

   In 2012, activists in both Derry and Belfast discussed the publication of a co-signed letter, which directly sought to challenge the current status of the law and its guidelines. After the opening of the Marie Stopes Clinic in Belfast, the actions of the SDLP and DUP, who attempted to close the clinic, gave the perfect opportunity to release the letter. The letter, which was co-signed by over 100 individuals\(^{30}\), (and later re-released a year later with 200 names and read out by the major police station in Belfast name by name after the prosecutions came to light of the two women charged with having the abortion pills)

   The letter was published by national newspapers, women’s magazines and resulted in a huge amount of local press coverage, including radio and television, where there was a noted marked change in the tone, towards a more supportive pro-choice view. (McDonald, 2013) Despite heavy

\(^{29}\) http://www.womensviewsonnews.org/2014/10/abortion-campaign-in-northern-ireland-launched/
\(^{30}\) Pills Letter http://www.telegraph.co.uk/women/womens-life/11700651/Abortion-Northern-Irish-women-want-arrest-over-illegal-abortion-pills.html
reporting and the clear legal ambiguity of the actions in the declaration, neither the police, the Department of Public Prosecutions nor the Department of Health, contacted any of the letter signees. However, it alerted the people of Northern Ireland to the availability of the pills and also that prosecutions (thus far) were unlikely. Unfortunately the recent prosecutions have made this method more fraught with danger for abortion seekers.

ii. Clinic Escorts

A number of members of Alliance for Choice were also volunteer escorts at Marie Stopes Belfast when it was opened in Belfast in 2012. As part of that experience many of us faced direct abuse, assault and harassment from numerous and regular protesters from organisations such as Precious Life. Some of us even spent afternoons in PSNI custody as we were interviewed under caution for spurious counter-claims of assault and violence; (none of these charges were ever upheld).

iii. Reaching out to AfC for assistance

Many members of Alliance for Choice have become conduits of information about how to access abortion in Northern Ireland by dint of our public work on the subject. 31

Those who manage social media accounts regularly receive pleas for help or information requests on how and what the options for abortion in NI are. We have a signposting page - which obviously looks a lot different to pre 2017 when we would have told people about the expense of travelling to the UK and primarily directed them towards the Abortion Support Network.

We receive almost daily contacts to our Facebook, twitter and email accounts from people seeking information on accessing abortion and their options. These messages come at all times of day and night. People are contacting strangers on the internet because their doctors are too afraid to give them information. A few common scenarios are illustrated below.

a. People seeking information on travelling – including funding

We regularly receive contacts where people are asking for information on travelling to Great Britain for abortion care. Prior to the funding for treatment we signposted people to the Abortion Support Network. Now we also set out what they are entitled to under the funding scheme. Abortion seekers are not being informed by their doctor that there is funding in place for treatment and travel, this is likely due to the lack of guidance from the Department of Health. We have also been contacted by doctors who were unaware the funding scheme existed, including a GP who implored us to contact medical professionals to tell them about the scheme.

b. People seeking help after FFA Diagnosis

Some of the most heart-breaking messages are those we receive from people in great distress after receiving an FFA diagnosis. Often they have not been told of their options, simply given a diagnosis and told to wait. We offer a friendly ear and sign post them to professional support organisations.

c. People seeking help after miscarriage

Because of the current chill factor caused by the guidelines people who are experiencing a miscarriage, or when a miscarriage is inevitable, are often in a situation where they are not offered treatment. Again we offer a friendly ear and set out people’s options, including the funding scheme. No one has told us that their doctor has given them this information. Others have told us about having to plead for tablets for miscarriage management because medical staff are reluctant to prescribe the medication which is the same medication used for abortions.

d. People seeking abortion pills

31 http://www.alliance4choice.com/i-need-an-abortion-now/
We regularly receive messages from people seeking abortion pills. While these pills are illegal, there are two reputable websites Women on Web and Women Help Women where abortion seekers can have a medical consultation and receive the same pills as they would be prescribed in great Britain. We tell people about the risk of prosecution, with the maximum sentence being life in prison. Ultimately it is important that people have access to safe but illegal pills rather than more dangerous methods.

**e. People seeking advice after using pills**

At least 400 packages of safe but illegal abortion pills were sent to Northern Ireland in 2017 from one provider. We occasionally get messages when people have taken the pills and are unsure if they should be concerned at the effects they are experiencing. This is because they are too afraid to go to their doctor in case they are reported to the police. There is information on the pill provider website, and a helpline operated by BPAS, but still queries make their way to Alliance for Choice.

People should not have to resort to contacting strangers via an activist Facebook page for advice on their options. While we are equipped to give this information we are not doctors, we are not counsellors, we are not lawyers.

We are not criminals.

**4. What are the responsibilities of the UK Government under its international obligations for taking action to reform abortion law in Northern Ireland?**

i. **The United Nations Human Rights Committee** made a ‘General Comment on article 6 of the International Covenant on Civil and Political Rights, on the right to life’. Within this includes the declaration that;

> “Although States parties may adopt measures designed to regulate voluntary terminations of pregnancy, such measures must not result in violation of the right to life of a pregnant woman or girl, or her other rights under the Covenant. Thus, restrictions on the ability of women or girls to seek abortion must not, inter alia, jeopardize their lives, subject them to physical or mental pain or suffering which violates article 7, discriminate against them or arbitrarily interfere with their privacy.”

ii. **Clarified in CEDAW:**

A. CEDAW’s inquiry reported that there were gave and systemic breaches of human rights with regard to the UK Government’s inaction on addressing the access of abortion in Northern Ireland. The report highlighted that even funded abortions requiring travel was an “untenable” situation and does not solve the larger problem.

B. **The UK Supreme Court ruling**

We know that the Committee is well aware of the Supreme Court Ruling so will not go into detail,

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32 Full text on abortion rights from UN here

33 The Report of the inquiry concerning the United Kingdom of Great Britain and Northern Ireland under article 8 of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women report recommended that the State party urgently: (a) Repeal sections 58 and 59 of the Offences against the Person Act, 1861 so that no criminal charges can be brought against women and girls who undergo abortion or against qualified health care professionals and all others who provide and assist in the abortion; (b) Adopt legislation to provide for expanded grounds to legalise abortion at least in the following cases: (i) Threat to the pregnant woman’s physical or mental health without conditionality of “long-term or permanent” effects; (ii) Rape and incest; and (iii) Severe foetal impairment, including FFA, without perpetuating stereotypes towards persons with disabilities and ensuring appropriate and ongoing support, social and financial, for women who decide to carry such pregnancies to term. (c) Introduce, as an interim measure, a moratorium on the application of criminal laws concerning abortion, and cease all related arrests, investigations and criminal prosecutions, including of women seeking post-abortion care and healthcare professionals.

34 The UK Supreme Court decision on abortion law in Northern Ireland on 7th June 2018; A majority of the Supreme Court determined that an Article 8 (right to private and family life) incompatibility does exist regarding prohibition of abortion in cases of fatal foetal abnormality and sexual crime. A minority of the Supreme Court (two judges out of seven) also found the law to be incompatible with Article 3 (right to be free from torture, inhuman or degrading treatment) in these circumstances. Whilst the Court ultimately did not find in the Northern Ireland Human Rights Commission’s favour, due to the view of the Court, that the
but it is worth noting that the Attorney General was not willing to defend the legal Status Quo on the almost total abortion ban and instead chose to undermine the standing of the case.

C. There have been a number of debates at Westminster’s where MPs have tried to force the hand of the UK Government to legislate for abortion by removing sections 58 and 59 of the Offences Against Persons Act 1861. The Secretary of State for Northern Ireland repeatedly stated that this is an issue for the devolved government of Northern Ireland, she now has obligations to report on addressing the human rights breaches of both a lack of abortion access and equal marriage, every 12 weeks, due to the NC7 Amendment to the NI Executive powers Bill. The Northern Ireland Assembly has been in suspension since January 2017 and a return before Brexit is unlikely.

5. How should these be reconciled to the UK’s devolution settlement?

Devolution has become meaningless with an unwillingness from both major parties to come to political agreement. In light of the current lack of public representation and public service, Northern Ireland’s only recourse to democracy and justice comes from Westminster.

Even if the current stalemate wasn’t happening, CEDAW has reiterated over decades that devolution is never a barrier to access to Human Rights and lays the responsibility squarely at the foot of the UK Government.

Also considering the CEDAW committee, there is a section in the Northern Ireland Act which allows the Secretary of State for Northern Ireland to direct by order that action should be taken to ensure that international obligations are given effect to. This section could be interpreted to mean that far from the Westminster government being unable to act in the circumstances, they are in fact compelled to consider acting, as the UK is currently falling behind the international obligations which it signed up to in CEDAW.

Thirdly it is not true that the government cannot act even if it is a devolved matter. There is a section of the Northern Ireland Act which specifically gives Westminster the absolute power to legislate for Northern Ireland. There is no legal bar to Westminster legislation to provide abortion care for Northern Ireland.

December 2018

Appendix

4. Alliance for Choice has produced a number of short programmes on specific issues:
   https://vimeo.com/226769137 on free abortion being offered in the UK
   https://vimeo.com/218813217 on abortion pills study
   https://vimeo.com/305051160 on winning Campaign of the year award
5. Northern Ireland Life and Times Survey:
   1. Where the pregnant women was likely to die as a result of the pregnancy, 96 per cent of Alliance supporters thought that abortion should be legal, as did 90 per cent of UUP

Northern Ireland Human Rights Commission does not have legal standing to bring the case, the statement from the court on incompatibility cannot be underestimated.

Executive Powers Bill Amendment https://www.bbc.co.uk/news/uk-northern-ireland-45962905
supporters, 81 per cent of DUP supporters, 79 per cent of SF supporters and 74 per cent of SDLP supporters.

2. Across the range of scenarios Alliance supporters were the most likely to support legalisation of abortion followed by UUP supporters, and the views of SF and SDLP supporters were often closely aligned.

3. SF and SDLP supporters were the least likely to say that abortion should definitely be legal in the seven scenarios posed in the Life and Times survey.

4. While the DUP has said it will not support any change in the law in NI, its supporters believe abortion should be definitely or probably be legal in six out of the seven scenarios showing a higher level of support for reform of abortion law than SF or SDLP voters.