Written submission from Robert Eaton (ANI0436)

I am writing to make a submission to the Women and Equalities Committee ‘Abortion in Northern Ireland’ Inquiry. I would like to make three main points.

Firstly, this is an issue which should be decided by the Northern Ireland Assembly, not Westminster. As has been reiterated by the British Government and parliamentarians from across the party political spectrum at Westminster, constitutionally this is an issue which should be decided by Northern Ireland’s politicians. It is acknowledged that the Northern Ireland Assembly is sadly currently not sitting. However, as Direct Rule has not been introduced, it is simply not appropriate for Westminster to selectively intervene to overturn the law in this area. If Westminster was to do so, it would also have a responsibility to act right across a whole swathe of issues in Northern Ireland.

I further note that not a single member of the Women and Equalities Committee represents a seat in Northern Ireland. Consequently, this Committee does not seem to be the appropriate forum for consideration of Northern Ireland’s law on abortion. If a Westminster Committee was to consider this area, and I do not believe it should, it would be the Northern Ireland Affairs Select Committee.

Secondly, it is important to be clear that the law on abortion in Northern Ireland has been proven to save lives. Research conducted by ‘Both Lives Matter’ in 2017, which was independently scrutinised and upheld by the Advertising Standards Authority following a complaint made to them, has found that an estimated 100,000 individuals are alive today who would otherwise not be if Northern Ireland had followed England, Scotland and Wales in adopting the 1967 Abortion Act. This research is publicly available to be scrutinised. Claims that the law on abortion in Northern Ireland do not stop abortion are simply empirically baseless. The law does make a difference. I, and many others like me in Northern Ireland, do not want widespread access to abortion to be available. Abortion ends human life and is not beneficial to women.

In addition, the law on abortion in Northern Ireland protects individuals who are disabled from unjustified discrimination. In England, Scotland and Wales, unborn children can be aborted up to term if a disability is identified in utero. In Northern Ireland, this is not the case. This makes a major difference. Around 90% of those babies identified in utero to have Down’s Syndrome in England, Scotland and Wales are aborted. In Northern Ireland on the other hand, in 2016, there were 52 children born who had Downs syndrome and in the same year only one mother travelled from Northern Ireland to England and Wales for a disability selective-abortion of a baby in the womb with Downs syndrome. As Lord Shinkwin put it recently in the House of Lords, “Northern Ireland is the safest place in our United Kingdom to be diagnosed with a disability before birth.” I am proud of the fact that we in Northern Ireland do not discriminate against the disabled in the womb.

Thirdly and finally, claims that Northern Ireland has to change its law on abortion as a consequence of human rights laws do not stand up to scrutiny. Admittedly, in non-binding comments made at the Supreme Court a number of justices indicated the law on abortion in Northern Ireland is incompatible with Article 8 of the European Convention on Human Rights because it does not allow for abortion on the grounds of life-limiting conditions where the child is likely to die before, during or shortly after birth and in cases involving sexual crime. However, a different panel of the Supreme Court could come to a different decision in a future case. In addition, even if a future court did uphold this ruling, the cases in question here only consider a tiny number of abortion cases in practice. Less than 2% of recorded abortions in England and Wales were granted on these grounds.
This ruling simply does not provide a basis for widespread access to abortion on any grounds to be brought to Northern Ireland.

In addition, in making their case for change in relation to Northern Ireland, some parliamentarians others frequently argue that the UN says that Northern Ireland’s abortion laws are not human rights compliant and that Northern Ireland should decriminalise abortion. The truth, however, is that they are not referring to the view of the United Nations as a body, but to a report issued by one unelected committee, the Committee for the Elimination of Discrimination Against Women (CEDAW). It might be believed that the UN Convention on the Elimination of Discrimination Against Women (CEDAW), which defines the remit of the CEDAW Committee, sets out a right to abortion which Northern Ireland is failing to deliver. In truth, however, at no point does the Convention mention abortion.

Moreover, as a non-judicial body, CEDAW has no legal standing to read such a right into the Convention much as some of its members may wish to do so. Members of the United Kingdom Supreme Court have also highlighted that the views of bodies such as the CEDAW Committee are only of marginal relevance. As Lord Hughes put it, “the authority of their recommendations is slight.” It seems perverse to claim that there is a human right to end human life. There is no basis in human rights law to overturn the devolution settlement. It is important this inquiry gets the facts right on claims related to human rights.

In conclusion, I would urge the Committee to respect the right of the people of Northern Ireland through their elected representatives to decide what the law on abortion should be. The law in Northern Ireland protects life, especially the lives of the disabled, and I do not want the law in Great Britain to be imposed on us.

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