

Abortion law reform in Northern Ireland Q&A

Amnesty's position

Our position on abortion, like every issue, is grounded in international human rights law and standards and our own research. The abortion law in Northern Ireland pre-dates the light-bulb and denies women and pregnant people rights to their own body and to often vital healthcare.

Amnesty believes that the UK government should decriminalise abortion in Northern Ireland so that it is brought in line with international human rights standards.

Background on the abortion law in Northern Ireland

Northern Ireland is the only part of the UK and (soon) Ireland where there remains a near-total ban on abortion. The law is amongst the most restrictive globally and it carries the harshest criminal penalties in the world. Abortion is only permitted – in theory - when there is a long-term risk to the mother's physical and mental health. Even in cases such as pregnancy from rape or incest, or where there are fatal foetal abnormalities abortion is illegal. Women and girls can face up to life imprisonment for a health service freely provided on the NHS everywhere else in the UK. The law criminalises women, forces them to travel for healthcare to which they are entitled.

The referendum in Ireland in May this year means that soon Northern Ireland will be the only place in the UK and Ireland where women are denied an abortion in almost every circumstance.

But women in Northern Ireland can access abortion in other parts of the UK?

Women in Northern Ireland can access free abortion services in England, Wales and Scotland. However, this means they are forced on lonely journeys and have to go through the procedure away from home, without the support of friends and family around them. Free access in the rest of the UK is a welcome help to women but it is no substitute for free, safe and legal services at home. In addition, not every woman, girl or pregnant person can travel, including those in abusive and controlling relationships, those who don't have a passport / travel ID and those who have other children but don't have childcare. For these women, travelling for an abortion isn't an option and they are forced to continue with a pregnancy against their will. Women in Northern Ireland should have the right to safe, free and legal abortion services at home.

In 2017, at least 919 women and girls from Northern Ireland travelled to England and Wales for an abortion, countless others went online and purchased abortion pills leaving themselves vulnerable to prosecution.

Why is this a human rights issue?

Northern Ireland laws have been repeatedly found by UN treaty monitoring bodies to be in significant violation of the various human rights treaties the UK is state party to. In February 2018 the UN Committee on the Elimination of Discrimination against Women (CEDAW) found that abortion law in Northern Ireland constitutes grave and systematic violation of rights and recommended that the UK Government decriminalise abortion in Northern Ireland.

In June 2018, five out of seven judges at the [UK Supreme Court ruled](#) that Northern Ireland's abortion law breaches Article 8 of the European Convention on Human Rights by not allowing abortions in cases of rape, incest or fatal foetal abnormalities. Lord Mance stated the law is 'untenable' and in need of 'radical reconsideration' due to the 'ongoing suffering' it causes.

Do the people of Northern Ireland want reform?

All available evidence demonstrates that a majority of people support liberalisation of the law, including the decriminalisation of abortion. Polls commissioned by Amnesty International in 2018 found that 65% of people in Northern Ireland thought abortion should not be a crime and 78% of the rest of the UK believe that abortion in Northern Ireland should be decriminalised. There is also widespread support amongst medical bodies and civil society for decriminalisation.

Results from the latest public opinion surveys can be found [here](#).

Is there political support for reform?

Leaders and representatives of Northern Irish parties Sinn Fein, Alliance Party, UUP and SDLP have issued a joint statement calling for Westminster to decriminalise abortion. There is also widespread support from MPs across political parties in the UK. A Private Members' Bill for the decriminalisation of abortion - which was put forward by Labour MP Diana Johnson and sponsored by MPs from almost every UK political party - [passed](#) with 208 votes to 123 last month. The second reading of the Bill is set for 23 November.

Isn't this a matter of a devolution for a Northern Ireland Assembly to legislate on?

No, the UK Government is ultimately responsible for ensuring the human rights of all UK citizens – including those in Northern Ireland. There is no constitutional impediment to the UK Parliament legislating to reform the law on abortion in Northern Ireland. Parliament is sovereign and has the power to act, even in respect of devolved matters. The UN Committee, UK Supreme Court judges have all stated that the UK is in breach of human rights commitments by not reforming the law

Devolution is predicated on there being in place a Northern Ireland Executive, a First Minister and deputy First Minister, and Northern Ireland Ministers. Since January 2017, none of these bodies have been in place.

What is the UK Government saying?

The official government line is that abortion law reform is an issue for a devolved Government. Neither Theresa May nor Karen Bradley, the Secretary of State for Northern Ireland, have acknowledged the strong support for Westminster to reform the law.

We are calling on the UK Government to urgently decriminalise abortion and ensure a human rights compliant framework for access is put in place in Northern Ireland.

What are the abortion laws in the rest of the UK?

Abortion is not decriminalised in the rest of the UK. In England and Wales it is still part of the criminal code and governed by the oldest statutory framework regulating any area of medical practice. However, the 1967 Abortion Act added five categories or exemptions to the law which makes abortion legal in certain circumstances, where two doctors have given consent.

In Scotland, the Scottish Parliament has the authority to decriminalise abortion.

Amnesty believes that abortion should not be a crime, and that it should be decriminalised in all parts of the UK, including Northern Ireland.

What is the Private Members' Bill on decriminalisation of abortion?

On 23 October 2018, Diana Johnson MP and a cross-party coalition of MPs introduced a Ten Minute Rule Bill to decriminalise abortion in England, Wales and Northern Ireland. This will see its second reading on Friday 23 November. For the Bill to proceed, the government needs to agree to make time for the Bill to proceed and for lots of MPs to support it. It will be on a Friday when MPs are normally in their constituency, so we need to show them that people across the UK want them to make an exception, stay in Westminster and support women's rights.

Stories of women affected by Northern Ireland's abortion law:

- **Sarah Ewart's** first pregnancy was given a fatal foetal diagnosis and she had to travel to England to terminate her pregnancy. This was a traumatic experience for Sarah, who has since been campaigning with Amnesty to change the law. Amnesty and Sarah are now taking her case to the Belfast High Court. You can read more about her story [here](#).
- **Denise** found out her baby had a genetic disorder during pregnancy, which meant it would not survive. Unable to travel to England due to ill health, Denise was forced to carry the baby until it died, and then gave birth to it. Watch her speak about her experience [here](#).
- **A mother who helped her 15-year-old daughter access abortion pills** is currently being hauled through the courts to challenge the prosecution against her. If her challenge fails, she could face up to five years in jail. The [first hearing](#) of her case took place on the 5 November. We are awaiting the outcome.
- **GPs and midwives** are also extremely impacted by the law – unable to give their patients the care they would like to for fear it will lead to prosecution for

them and their patients. Read an interview with a [GP from Northern Ireland](#) here.

Useful resources:

- **Amnesty's position on abortion rights:** <https://www.amnesty.org/en/what-we-do/sexual-and-reproductive-rights/abortion-facts/>
- **More information on the campaign:** <https://www.amnesty.org.uk/actions/northern-ireland-abortion-not-crime>
- **Time line of abortion rights in Northern Ireland:** <https://www.amnesty.org.uk/abortion-rights-northern-ireland-timeline>
- **Latest public opinion polling results:** <https://www.amnesty.org.uk/press-releases/northern-ireland-abortion-75-uk-public-want-government-change-law-new-polls>
- **Amnesty's petition on Northern Ireland abortion rights:** <https://www.amnesty.org.uk/actions/northern-ireland-abortion-not-crime>
- **Amnesty's Write for Rights action** to support women affected by Northern Ireland's abortion law can be found here: <https://www.amnesty.org.uk/write-for-rights/action/northern-ireland-abortion>