British Irish Parliamentary Assembly

**AFC – What We do and Who we are**

Alliance for Choice is a cross-community, grassroots organisation, campaigning for free, safe, legal and local abortion access since 1996. We give voice to the thousands of women who have had to travel to access reproductive healthcare and have been silenced and stigmatised back home, and to those who have accessed illegal pills on-line in secret, and risked arrest and imprisonment by doing so.

We run community engagement and education projects, intervened in the June Supreme Court Case, approached and facilitated the 2016 CEDAW Inquiry, have made submissions for JR76 and we have given evidence to the APPG on Sexual and Reproductive Health in Westminster. We have been clinic escorts when the Marie Stopes clinic was open in Belfast, facing abuse and harassment. We have had our activists’ homes and workplaces raided by the PSNI in March 2017, no case was pursued. 200 of us have signed an open letter stating that we have either taken abortion pills or helped someone else procure abortion pills, no cases were pursued.

Our Trust Women campaign ensured that abortion was a key election issue in the media in the May 2016 elections. We have organised countless rallies, protests, vigils and campaigns to reflect and express public frustration at key flashpoints. (Marie Stopes, Murder of Savita Hallapanavar, Torture of Miss Y, pills arrests etc). We have worked closely with academics and Trade Unions to produce the globally ground-breaking study; Abortion as a Workplace Issue. We organised up to 3 canvasses a week in the border counties as part of the Together for Yes campaign and we have been given the Liberty Long Walk to Freedom Campaign Award for our work, alongside FPA and LIARC.

**Purpose**

The purpose of this evidence is to highlight he structural and social discrimination experienced by women in Northern Ireland with a crisis pregnancy. It is important that the BIPA is aware of the strong anti-abortion socialisation process that manifests in Northern Ireland life through schools, churches, media and the political sphere. This stigma women face can negatively impact on mental health and hinders their ability to reach out for support. Being exiled to England for abortion because abortion is defined as a criminal act and being called ‘murders’ by politicians and protesters inevitably leaves abortion seekers with additional emotional scars and further impacts on an already complicated decision. In Northern Ireland there is no such thing as NO abortion; there is only abortion travel or illegal abortion without medical care.

**Evidence**

In October 2017 through the Stella Creasy amendment to the Queen’s Speech the Women and Equalities Department announced that they would be providing free abortions in England for women in Northern Ireland who met certain criteria. Stella was alerted to the plight of NI women by a Northern Irish woman living in her constituency and who was an activist with our sister organisation the London Irish Abortion Rights Campaign.

This announcement came a few weeks after a Northern Irish woman lost her case in the Supreme Court arguing that the department of Health UK should have offered her a free abortion like the rest of her UK counterparts.

**Central Booking System**

The provision of free abortions to NI women was viewed by us as an excellent interim development. However we were well aware that many women would still be unable to travel to access reproductive healthcare due to precarious employment, disability, childcare, mental health and coercive control and violent relationships. On the week that the funding for NI women was announced, I received a phone call from a case worker whose client couldn’t travel. They’d booked an appointment, but the woman had no id as her violent ex-partner had destroyed all of her ID. Calls still come in weekly from people who do not have the option of travelling to England. The current legal status of abortion means the most vulnerable people: those that cannot travel, are calling us, ASN and WHW terrified. Not terrified of taking the medicines but frightened of being arrested. This fear prevents women seeking healthcare in the rare case of infection or haemorrhaging and is directly risking women’s lives and future health. Recent research published by Dr. Bloomer highlighted that 2/3rd of Northern Irish Women choose surgical abortion as opposed to medical abortion which is in direct contrast to GB women who 1/3 choose surgical. This is directly linked to the side effects of the pills as despite being more straight forward procedure, NI women do not want to miscarry on a plane or in an airport.

To illustrate one woman told us - “The next day, I woke up and felt better physically, but was incredibly angry and that anger has never left me. I wasn’t angry about the abortion, I wasn’t angry about being unexpectedly ill – that’s just one of those things and whilst unlikely, it happens. I was angry about what I was forced to go through to access an abortion. An unnecessarily complex, expensive process of secrecy, judgement and humiliation, all of which was compounded by the awful journey and being forced to travel. One where, following a surgical procedure I couldn’t even go back to my own house without waiting for hours before boarding a plane, all the while trying not to mention the discomfort and pain I was in. But that’s the thing – we don’t mention it. It’s an abortion. I thought about all the women who travel on their own and are forced to stay in hotels and hostels overnight. I counted myself lucky that at least I was accompanied and that I got home eventually”.

The recent announcement that home use of Abortion Pills has been approved in Scotland England & Wales further widens the gap of abortion healthcare provision in the UK. Between 1 January 2010 and 31 December 2015, 5650 women requested at-home medical abortion through online providers Women on Web from Ireland and Northern Ireland. There are many other providers of pills so this figure could conservatively be doubled. This healthcare is already a reality for women in Northern Ireland whether it is legal or not.

The Central booking system set up by BPAS so that Northern Irish women could avail of free abortions has been publicised by BPAS and organisations like ourselves. However, when the Department of Health NI were questioned by Clare Bailey MLA as to why they were not promoting the service through their communications channels, she was told “why would we want to promote a service for a procedure that is illegal in Northern Ireland?” We find this absurd as there is no ban on providing healthcare information.

The 1992 case of Open Door and Dublin Well Woman V Ireland saw the European Court of Human Rights hold that Ireland’s Supreme Court restriction on information concerning abortion facilities abroad, violated Article 10 of the Convention of the Protection of Human Rights & Fundamental Freedoms. The question we pose is if women have been afforded this service by the Department of Women & Equalities but do not know of the service, then how can they access it? We know from the Abortion Support Network that over half of their calls from NI since the Central booking system has been established, were from women who did not know that this service has been established.

In addition to this lack of clear pathways for abortion services, we have had calls from women who have been advised by NI GP’s since the referendum in Ireland to ‘Go down south for an abortion’, despite the fact that legislation has not yet been passed and service are therefore not yet available. Today, women on the whole island of Ireland still have to travel to access reproductive healthcare. We know from other international examples that it takes a minimum of 3-5 years moving from illegal to legal provision and real and practical access.

**Devolution**

There is no doubt as to what can be done and what should be done with regard to upholding International Human Rights treaties for the abortion seekers of Northern Ireland. The CEDAW Enquiry report in February 2017 recommended that the State Party urgently repeal sections 58 and 59 of the Offences against the persons Act, as a bare minimum.

In terms of Devolution the Committee found that devolution is no barrier to enacting such a change to the law, even with its impact on a devolved part of the United Kingdom.

“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”.61 Thus, the UK cannot invoke its internal arrangements (the Belfast Agreement) to justify its failure to revise NI laws that violate the CEDAW Convention. “

CEDAW also recommended that there be a “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” without these measures, the government is actively putting barriers in between women and girls and their access to healthcare, equal treatment and above all safety from abuse and violence. They also recommended adopting evidence-based protocols for healthcare professionals on providing legal abortions particularly on the grounds of physical and mental health; and ensure continuous training on these protocols.

**Conclusion**

To name devolution as the problem in making change is to deny the role of the UK government in maintaining this situation in Northern Ireland for over 50 years. Devolution has been a flimsy barrier when welfare changes were needed; block grants are clearly a powerful motivator. Reflecting calls from a number of international Human Rights bodies, the time has come to change this legislation and its devastating impact on hundreds of thousands of people. To be clear; this is not about Westminster imposing legislation in Northern Ireland, rather it is about removing archaic colonial legislation which ensures that we continue to have one of the most restrictive abortion regimes in the World.