Alliance for Choice is an activist organisation that campaigns for abortion rights in Northern Ireland and supports our sister organisation, the Abortion Rights Campaign in the rest of Ireland. We canvassed and organised as part of the Together for Yes coalition to Repeal the 8th Amendment

*\*Anywhere Alliance for Choice say 'women' we mean to include trans men, non-binary people and anyone who can get pregnant.*

Alliance for Choice was set up in 1996, to encourage the extension of the 1967 Abortion Act. However, we now campaign for **free, safe and legal** abortion access in Northern Ireland, an end to the criminalisation of women and an end to the harassment of women using abortion counselling services in Belfast. Much of our work has been about giving voice to the tens of thousands of women\* 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 Trust as well as through Trade Unions and individual donors.

Alliance for Choice has many great allies that we work with on the issue of abortion access and are currently in an informal coalition with a number of providers and NGOs including BPAS and the Family Planning Association and the Royal College of Midwives to ensure access to abortion is available to those who need it most.

Alliance for Choice will address a number of the Terms of Reference, highlighted in bold, with a summary at the end.

* **What are the key difficulties encountered by victims of domestic abuse in the justice system, and in particular in the family courts;**
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 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. No data exists on the number of pregnancies resulting from rape or incest or of victims seeking an abortion. However, the fact that these crimes can and do result in pregnancies is recognised by the NI Criminal Justice Compensation Scheme, which awards a victim the amount of £5,500 where a pregnancy is directly attributable to a sexual offence irrespective of the victim’s age. According to NI authorities, four awards were made between 2011 and 201645. It is unknown whether State-provided support exists for rape or incest victims who do not wish to continue the pregnancy. This includes psycho-social services during and after pregnancy; facilitating adoption where requested; and financing for raising an unplanned child. [[1]](#footnote-1)*

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. Abortions are most often not prevented by this law, likely they happen in clandestine circumstances, without legal access to medical assistance should it be required, or accessed by travelling to England, and if taking pills at the clinic, effectively miscarrying on your plane or boat home. This is, in the words of the recent CEDAW inquiry, untenable.

Alliance for Choice believes that there is evidence of State violence and abuse of women in the denial of access to abortion services for women and girls in Northern Ireland 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:

*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)*

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 Committee recommended that the State Party urgently repeal sections 58 and 59 of the Offences against the persons Act, as a bare minimum.

**What else is required to ensure that there is sufficient support, protection and refuge for victims of abuse;**

The CEDAW enquiry 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. [[2]](#footnote-2)*

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”[[3]](#footnote-3) 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. Equally they recommended establishing a mechanism to advance women’s rights, including through monitoring authorities’ compliance with international standards concerning access to sexual and reproductive health including access to safe abortions; and ensure enhanced coordination between this mechanism with the Department of Health, Social Services and Public Safety (DHSSPS) and the Northern Ireland Human Rights Commission.

The recent funding for abortion treatment for NI women in England has alleviated the financial barrier for many, with the number travelling for abortion care increasingly significantly. However, this funding is of little use to people in controlling relationships who will not be able to travel. The funding is not a sufficient solution for those in domestic abuse situations.

Source <https://www.gov.uk/government/statistics/abortion-statistics-for-england-and-wales-2017>

The week of the announcement of the funding plans for Northern Irish women, Emma Campbell, Co-Chair of Alliance for Choice, received a telephone call from an anonymous support worker who did not know how to help her client access abortion services. The woman was trying to escape an abusive relationship where her partner as one of many violent and controlling acts, had destroyed all of her documents including ID, credit cards, driving license, passport. The woman had booked an appointment in England but had no-one she knew to look after her existing children to travel but even if she could, she had no way of travelling without any documents within the short time period necessary for treatment. Alliance for Choice also are aware of a woman who became pregnant after her partner had held her down and cut out her hormonal contraception implant with a pen knife. We know of partners who have flushed contraception pills down the toilet, women from Traveller communities who have to try and take birth control in secret for fear of recriminations. These women have to rely on illegal pills as the only safeguard against getting pregnant to violent and controlling partners to whom getting pregnant with would be a disaster. We fail the women who have the least options the most when we force them to travel or remain coerced into pregnancy by their partners or government.

**How to secure the equal protection of BME and migrant women who are victims of domestic abuse;**

Alliance for Choice are aware that many people travel to the UK for abortions. We know that women who are trying to escape controlling and violent relationships often need access to abortions, often their pregnancies will subject them to a greater risk of violence and certainly a greater vulnerability to its impact. Bearing this in mind, BME and Migrant women in Northern Ireland will not always have the right paperwork that will allow them to travel to England for an abortion. This means if they are under 10 weeks pregnant they must access illegal abortion pills online and if discovered, not only will they be criminalised but will lose their citizenship, or if they over 10 weeks they have no options at all and be forced to continue with a pregnancy against their will and bear the child of their abuser or rapist.

The threat in turn becomes institutionalised – not only are they abused in their home, they are criminalised for taking actions to avoid bearing their abuser’s child. If their abuser learns of the use of these pills, the threat of reporting her to police will also be used against her.

To protect women in abusive relationships, abortion must be decriminalised through repeal and reform of s58 and s59 of the Offences Against the Person Act 1861.

**The impact of domestic abuse on children and child safeguarding and what more the Government could do to ensure that more children are protected from domestic abuse;**

The law preventing access to abortion for all women, girls and pregnant people, even in the most dire circumstances means that the impact of the current legislation on children is to turn them into criminals or to force them to travel on planes with strangers instead of receiving compassionate and dignified healthcare in the proper setting with people they can trust around them.

The Public Prosecution Service sought to pursue the prosecution against a woman for purchasing abortion pills for her 15 year old daughter who was in an abusive relationship and became pregnant. This case has arisen in part as a result of 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). Alliance for Choice for choice have a submission in this Judicial review and believes that the policy to prosecute in these circumstances is having a much wider effect, in that women who do acquire online pills, are less likely to feel they can seek medical or support services, which in turn aggravates the risk to their wellbeing. Many people access the pills because they cannot travel, due to health, relationship status, precarious employment, intimate partner violence and coercive control or lack of access to the correct information. So by criminalising abortions and their only means of relieve the law in effect criminalises those in the most vulnerable positions.

*“There is no exception allowing abortions in cases of rape or incest, not even when the victims are children. The DM heard testimonies about the experience of a 12 year old girl who travelled to Manchester for an abortion after becoming pregnant following repeated acts of rape by her uncle. She was accompanied by the PSNI solely to collect conception tissue in order to determine the DNA of the accused… A former social worker recounted that sometimes social workers arrange abortions outside NI for pregnant adolescents under their care. [[4]](#footnote-4)*

CEDAW also found that:

*Information revealed the link between the country’s recent violent history and the very high rates of sexual abuse experienced by both women and men across NI with estimates that one in four residents suffers sexual abuse in their lifetime.41 Statistics show that victims of sexual abuse range from infants to 90 year olds, with children consistently forming the majority of victims (61 percent in 2013/14) In 2014/2015, PSNI recorded: 28,287 domestic abuse incidents; 2,734 sexual offences, and 737 offences of rape. Moreover, the recorded number of sexual offences involving children under 16 has dramatically increased over the past decade.*

A refusal to enact on the provision of abortion services in Northern Ireland, directly impacts victims of childhood abuse and rape. Not only do we need proper access for these children, but we also need to have proper safeguarding. CEDAW also recommended the provision of age-appropriate, comprehensive and scientifically accurate education on sexual and reproductive health and rights as a compulsory curriculum component for adolescents, covering early pregnancy prevention and access to abortion, and monitor its implementation. Alliance for Choice believes that consent-driven education for boys and girls will have a positive impact on the rates of sexual crimes against women and girls and will increase their awareness of safety and personal safeguarding as well as being one part of a larger harm reduction policy.

**Decriminalisation**

Alliance for Choice believe that in order to ensure the safety and dignity of women and girls in Northern Ireland the law must not be a barrier to accessing vital reproductive health services, abortion must be decriminalised.

We call for repeal and reform of s58 and s59 of the Offences Against the Person Act 1861 to ensure that non-consensual abortions remain explicitly criminalised while consensual abortions are decriminalised for both women and medical professionals.

This would decriminalise abortion up to 24 weeks in England and Wales and 28 weeks in Northern Ireland. At these points the Infant Life Preservation Act 1929 and the Criminal Justice Act (Northern Ireland) 1945 would apply.

We welcome the potential for future reform, alongside decriminalisation, of laws around violence in pregnancy that explicitly criminalise the loss of a wanted pregnancy whether through intentional violence, negligent violence, or the administration of substances without a woman’s consent.

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**For a summary of recent developments in Westminster, please see here: https://londonirisharc.com/now-for-ni/**

1. **Criminalisation of abortion and its effect on women who find themselves in untenable or unplanned pregnancies CEDAW/ Committee on the Elimination of Discrimination against Women. “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” CEDAW/C/OP.8/GBR/1 Section B (b) 38. Page 9** [↑](#footnote-ref-1)
2. **Human rights obligations of decentralised systems:**

**CEDAW/ Committee on the Elimination of Discrimination against Women. “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” CEDAW/C/OP.8/GBR/1 Section VI Legal Findings. A page 12** [↑](#footnote-ref-2)
3. Recommendations: 85 (c) **CEDAW/ Committee on the Elimination of Discrimination against Women. “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” CEDAW/C/OP.8/GBR/ Page 18** [↑](#footnote-ref-3)
4. **Criminalisation of abortion and its effect on women who find themselves in untenable or unplanned pregnancies CEDAW/ Committee on the Elimination of Discrimination against Women. “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” CEDAW/C/OP.8/GBR/1 Section B (b) 36. Page 9** [↑](#footnote-ref-4)