**Written evidence submitted by the sexual health charity, FPA**

**About**

FPA is one of the UK’s leading sexual health charities.

Our mission is to champion people’s right to sexual and reproductive health and wellbeing through advocacy, information, education and campaigning.

We do this through providing evidence-based sexual health information to the public and professionals. FPA provides sexuality and relationships education programmes and campaigns for high-quality education and sexual health services. We also offer training to professionals.

Our programme of work also includes the provision the only impartial pregnancy choices and post-abortion counselling service in Northern Ireland. Our two centres in Belfast and Derry support around 300 women each year, who access the service through our helpline or by referral from a GP or sexual health clinic.

To find out more about FPA and our work, please visit: [www.fpa.org.uk](http://www.fpa.org.uk/appgsrh)

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**Introduction and summary**

FPA welcomes the launch of the Women and Equalities Select Committee enquiry into the Government's plans for achieving the UN Sustainable Development Goal 5 (SDG5). As our expertise lies in the production and promotion of evidence-based sexual and reproductive health information, our submission will focus on the aim to ‘ensure universal access to sexual and reproductive health and reproductive rights’, with particular reference to Northern Ireland’s highly restrictive abortion legislation.

Access to abortion in Northern Ireland is covered by the Offences Against the Person Act 1861, as the 1967 Abortion Act does not apply. This means that abortion is only available in exceptional circumstances (if the mental or physical health of the woman is at serious or grave risk of permanent or long term harm). This means that only 16 abortions were carried out in Northern Ireland in 2014/15[[1]](#footnote-1). Instead, 833[[2]](#footnote-2) women were forced to travel from Northern Ireland to England and Wales to access services that would have been freely available in any other part of the UK, with many more risking prosecution by taking safe but illegal abortion medication sourced online. In fact, in April this year a woman was handed a suspended sentence for self-inducing an abortion in Northern Ireland, because she could not afford the cost of travel to England and the expense of a private procedure[[3]](#footnote-3).

The situation is a clear violation of human rights and in direct opposition to SDG5. Throughout our submission, we aim to answer some the Committee’s questions by providing:

* A background to the situation in Northern Ireland, with reference to human rights legislation
* The UK Government’s current position
* What action the UK Government needs to take place to achieve universal access to sexual and reproductive health and reproductive rights

We would welcome the opportunity to provide further evidence if called upon.

**Violation of reproductive rights in Northern Ireland**

As explained in the introduction, abortion legislation in Northern Ireland prevents women from accessing ‘sexual and reproductive health and reproductive rights,’ as required for the UK to meet SDG5.

As a signatory to UN conventions, the UK has already been criticised on its failure to meet its duties in regard to reproductive rights. For example, in 2009 the Committee on the Elimination of All Discrimination Against Women (CEDAW) called on the UK Government to ‘initiate a process of public consultation in Northern Ireland on the abortion law….[and also] give consideration to the amendment of the abortion law so as to remove punitive provisions imposed on women who undergo abortion.’[[4]](#footnote-4)

Again in 2013, the Committee restated that, ‘the State party [UK Government] should expedite the amendment of the anti-abortion law in Northern Ireland with a view to decriminalise abortion.’[[5]](#footnote-5) In 2016, UN Committee on Economic, Social and Cultural Rights also stated its concern that ‘termination of pregnancy in Northern Ireland is still criminalised in all circumstances except when the life of the woman is in danger’ and recommended that the UK ‘amend the legislation on termination of pregnancy in Northern Ireland to make it compatible with other fundamental rights, such as women’s rights to health, life and dignity.’[[6]](#footnote-6)

UK courts have also found the law to be a violation of reproductive rights. In November 2015, in the Belfast High Court, Justice Horner found that current legislation breaches Article 8 of the European Convention of Human Rights, because it does allow for abortion in even the case of sexual crime or where there is a fatal foetal abnormality.*[[7]](#footnote-7)*

**The UK Government’s current position**

In the context of international development, the UK Government supports universal reproductive rights. The Department for International Development (DfID), in a range of publications, has indicated that it considers safe and legal abortion a right. In 2014, for example, a Department document outlining policy on abortion stated that ‘w*omen and adolescent girls must have the right to make their own decisions about their sexual and reproductive health and well-being, and be able to choose whether, when and how many children to have… Safe abortion reduces recourse to unsafe abortion and saves maternal lives… In countries where it is highly restricted and maternal mortality and morbidity are high, we can help make the consequences of unsafe abortion more widely understood, and can consider supporting processes of legal and policy reform*”[[8]](#footnote-8).

However, the UK has not engaged the Northern Ireland Assembly through ‘processes of legal and policy reform’, instead stating that abortion is a health issue, with sole responsibility lying with the Northern Ireland Assembly. For example, in 2016, then-Leader of the House Chris Grayling MP (responding to a question about prosecution) stated that: “*I am not personally in favour of women who seek an abortion being punished for doing so, but, of course, this is a devolved matter. We have taken a conscious decision to pass that matter into the hands of the Northern Ireland Assembly, and I am afraid that we cannot easily have it both ways*”[[9]](#footnote-9).

This is also the response of the Northern Ireland Office. In response to a Written Question, then-Northern Ireland Minister Ben Wallace MP stated that “*The issue of abortion in Northern Ireland is a matter devolved to the Northern Ireland Assembly*”[[10]](#footnote-10).

However, progress in the Assembly is slow. Neither party in the power-sharing Government supports significant liberalisation in the law. Research has shown that debates in the Assembly are most often high on anti-abortion rhetoric and low on practical approaches to extending reproductive rights.[[11]](#footnote-11) As recently as February 2016, the Assembly voted 59 to 40 not to legislate to allow abortion even in the case of sexual crime and fatal foetal abnormality[[12]](#footnote-12).

This means that changing public opinion is not being taken into account; an Amnesty International UK poll found that 72% of people support a change in the law.[[13]](#footnote-13) In order to achieve ‘universal access to sexual and reproductive health and reproductive rights’, the UK Government needs to open a dialogue with the Assembly, working in partnership to deliver change.

**Achieving SDG5**

In the UK, women have been and continue to be prosecuted for accessing safe but illegal abortion medication, with the most recent case reported in October 2016.[[14]](#footnote-14) Women with means are able to travel from Northern Ireland to Great Britain and pay for a private procedure, leaving those without at highest risk.

This situation means that the UK is failing to meet the ambitious requirements set out by SDG5 to end discrimination against women and girls. There seems to be little will within the UK Government to recognise responsibility for Northern Ireland’s restrictive abortion legislation, demonstrated through repeated statements that it is a ‘devolved issue’. However, our evidence shows that conventions and legal judgements have found that this is not the case; it is an issue of reproductive rights, which is a key aim of SDG5.

Furthermore, if the UK is to maintain its leading role implementation of the SDGs internationally, it will have to act to end the criminalisation of women in Northern Ireland and to ensure all women and girls here have access to the same sexual and reproductive health and reproductive rights.

***We urge the Committee to call on the Northern Ireland Office (which holds responsibility for protecting human rights in Northern Ireland) to work with the Northern Ireland Assembly in order to extend reproductive rights.***

1. *Northern Ireland termination of pregnancy statistics, 2014/15* (Department of Health, Social Services and Public Safety, 2016) <https://www.health-ni.gov.uk/news/northern-ireland-termination-pregnancy-statistics-201415> [↑](#footnote-ref-1)
2. *Abortion Statistics, England and Wales: 2015* (Department of Health, 2016) <https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/570040/Updated_Abortion_Statistics_2015.pdf> [↑](#footnote-ref-2)
3. *Northern Ireland woman who bought abortion pills given suspended prison sentence* (Belfast Telegraph, 2016) <http://www.belfasttelegraph.co.uk/news/northern-ireland/northern-ireland-woman-who-bought-abortion-pills-given-suspended-prison-sentence-34597487.html> [↑](#footnote-ref-3)
4. *Concluding Observations regarding the United Kingdom* (CEDAW, 2009) <http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhsvglKm%2f71Q4iogAZSMgJYVtfejF48hHZ5kPQbcJTVDMbsiyAQsMiUFbUhCFmudQTE8qIl8Mg1QIVFwkJtOqmeK03ZvY82v3OJxLHlRo%2bVuVP> [↑](#footnote-ref-4)
5. *Concluding Observations regarding the United Kingdom* (CEDAW, 2013) <http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhsldCrOlUTvLRFDjh6%2fx1pWB8bSlKfa34XmmIN3lG11hwWhjFqrEprJHQfoipZTwnVkhDALmzaR6gCklPapM2exTMh89SX7GUOJHbH%2bN8Qq9U> [↑](#footnote-ref-5)
6. *Concluding observations* (CESCR, 2016) <http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=4slQ6QSmlBEDzFEovLCuW3XRinAE8KCBFoqOHNz%2fvuCC%2bTxEKAI18bzE0UtfQhJkxxOSGuoMUxHGypYLjNFkwxnMR6GmqogLJF8BzscMe9zpGfTXBkZ4pEaigi44xqiL> [↑](#footnote-ref-6)
7. *Court declares abortion law in Northern Ireland breaches European Convention on Human Rights by failing to provide exceptions to ban* (Northern Ireland Courts and Tribunal Service, 2015)

[http://www.courtsni.gov.uk/en-GB/Judicial%20Decisions/SummaryJudgments/Documents/Court%20declares%20abortion%20law%20in%20Northern%20Ireland%20breaches%20European%20Convention%20on%20Human%20Rights%20by%20faili/j\_j\_Summary%20of%20judgment%20-%20In%20Re%20NIHRC%20(Termination%20of%20Pregnancy)%2030.11.15.htm](http://www.courtsni.gov.uk/en-GB/Judicial%20Decisions/SummaryJudgments/Documents/Court%20declares%20abortion%20law%20in%20Northern%20Ireland%20breaches%20European%20Convention%20on%20Human%20Rights%20by%20faili/j_j_Summary%20of%20judgment%20-%20In%20Re%20NIHRC%20%28Termination%20of%20Pregnancy%29%2030.11.15.htm) [↑](#footnote-ref-7)
8. *Safe and unsafe abortion: The UK’s policy position on safe and unsafe abortion in developing countries* (DfID, 2014) <https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/324590/safe-unsafe-abortion2.pdf> [↑](#footnote-ref-8)
9. *Business of the House, 14 April 2016* (Hansard, 2016) <https://goo.gl/e7KWvN> [↑](#footnote-ref-9)
10. *Abortion: Northern Ireland: Written question – 8921* (House of Commons Publications and Records, 2016) <http://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2015-09-04/8921/> [↑](#footnote-ref-10)
11. *Critiquing Recent Abortion Law and Policy in NI* (Fiona Bloomer and Eileen Fegan, 2013) Critical Social Policy 34: 109-120 <http://csp.sagepub.com/content/early/2013/08/16/0261018313496190> [↑](#footnote-ref-11)
12. *Official Report: Wednesday 10 February 2016* (Northern Ireland Assembly 2016) <http://aims.niassembly.gov.uk/officialreport/report.aspx?&eveDate=2016/02/10&docID=258728> [↑](#footnote-ref-12)
13. *Northern Ireland: Nearly 3/4 of public support abortion law change* (Amnesty International UK, 2016) <https://www.amnesty.org.uk/press-releases/northern-ireland-nearly-34-public-support-abortion-law-change-new-poll-0> [↑](#footnote-ref-13)
14. *NI woman charged over abortion pills* (BBC, 2016) <http://www.bbc.co.uk/news/uk-northern-ireland-37789341> [↑](#footnote-ref-14)