

Northern Ireland

**The only part of the UK
where abortion remains
illegal even for victims
of rape or incest**

Offences Against the Person Act 1861, section 58:

"Every woman, being with child, who, with intent to procure her own miscarriage, shall unlawfully administer to herself any poison or other noxious thing, or shall unlawfully use any instrument or other means whatsoever with the like intent, and whosoever, with intent to procure the miscarriage ...shall be guilty of felony, and being convicted thereof shall be kept in penal servitude for life."

**The Criminal Justice Act (NI) 1945 section 25(i)
[equivalent to Britain's Infant Life Preservation Act 1929]**

"(A)ny person who, with intent to destroy the life of a child then capable of being born alive, by any wilful act causes a child to die before it has as existence independent of its mother, shall be guilty of felony, to wit, of child destruction, and shall be liable on conviction thereof on indictment to penal servitude for life: Provided that no person shall be found guilty of an offence under this section unless it is proved that the act which caused the death of the child was not done in good faith for the purpose only of preserving the life of the mother."

Case law in NI on abortion is based on R-v-Bourne

The Bourne judgement [1939] held that the prohibition on abortion was qualified by the term 'unlawfully'; that there were circumstances in which abortion was lawful; and that the exemption covers situations where continuation of pregnancy might 'make the woman a physical or mental wreck'.

1993 – 1995: New Case Law

1993 – Ms. K, pregnant by boyfriend

1994 – Ms. A severely learning disabled

1994 – Ms. SJB, pregnant by boyfriend

1995 – Ms. CH, disturbed young woman

Three different judges, incl. current Chief Justice for NI, ruled abortion legal if pregnancy was likely to impact adversely on the mental or physical health of the woman. All commented on the lack of clarity of the law relating to abortion

Family Planning Association NI Judicial Review 2001 - 2004

Sought and, on appeal, won
a Court ruling that law on
abortion in N. Ireland is so
unclear that Dept of Health
needed to issue guidelines to
health professionals

Despite the FPA's judicial review,
the position in N. Ireland today in
relation to abortion same as it was
in Britain before 1967 Act:

**one law for the rich,
another for the poor**

Ms. M suffered from congenital heart disease.

“After the birth of my third child, I was told by the cardiologist not to risk any further pregnancies as 'it would take 15 years off your life'. I subsequently became pregnant and, because of religious qualms about abortion, did not request a termination but carried the pregnancy to term. I was unwell for several months following [birth] and never really recovered my full strength. When I became pregnant again three years later, I feared for my life and asked about a termination. The obstetric consultant at Altnagelvin Hospital told me that my life was not in immediate danger and so an abortion would not be legal. Nonetheless, when I made an appointment in a British clinic, my doctors here consulted with the medical staff at the clinic and sent them my notes because my health was so poor.”

What if Ms M had not found the money to travel to England and pay for an abortion?

Ms. C: *When I was aged 25 and my daughter Caroline was almost eight, I went for a pregnancy test at the LIFE offices. My distress at the positive test was so great, the counsellor took some time to calm me down. I explained that Caroline has severe autism and challenging behaviour. As a lone parent, I was just about managing to keep her in the community. Another child would mean that Caroline would end up in care and I wasn't having that. The counsellor said that maybe God was sending me this child 'to make up for Caroline'. This insult to my darling daughter summed up the 'pro-life' attitude for me. Getting respite care for a few days to allow me to go to England was very difficult, although all my friends rallied round with money, so that part wasn't too bad. Five years on, Caroline is still at home with me and her behaviour is greatly improved. If I had continued that pregnancy, I have no doubt that she would be in care and much, much worse in her behaviour and abilities*

What if Ms C had
not had friends to
help get her the
money to pay for an
abortion?

Ms. S: I had my wee boy when I was only 15 and, at 22, I had finally got my life together. I was working part-time, training and studying. I wanted to be able to give my son a good life and be a good role model for him, not sit in the house all day watching Rikki or Oprah. Then, I don't know how because I was on the Pill, I got pregnant. I cracked up, couldn't stop crying. I thought of killing myself but...my son. I went looking for an abortion and was shocked to hear I couldn't get one on the NHS. I mean, we're supposed to part of the UK. I knew I'd never get enough money together to be able to pay for one, so I cracked up again. I didn't stop crying until a friend told me she'd heard that there was people who might help with the money. I've got my qualifications now – and a full-time job.

What if Ms S had not
got the help she
needed to get the
money to pay for an
abortion?

Re Ms. A, Lord Justice McDermott

"The Abortion Act of 1967 may have its faults but it presents a much more coherent and understandable position than that which continues to prevail in this jurisdiction."

Belfast Agreement 1998

**Guarantees Northern
Ireland will remain
constitutionally part of
UK for foreseeable
future**

N. Ireland is *not* that different

2006 **Fertility rate = 1.94**
UK **= 1.84**

58% Belfast births to unmarried mothers

75% of these registered by both parents

Sexual behaviour

The Health Behaviour of School Children in N.Ireland Survey 1997/98: one in five 13-15 yr olds had had sex

16-19 yr olds in a rural health authority: over half sexually active

Results of prohibition on abortion include:

- 11% of GPs have seen results of amateur abortions**
- Women from NI three times more likely to have abortions after 20 weeks than is norm in Britain**

Larger families in N. Ireland than in Britain

Britain – 30% of all children in families with 3+ children

10% - in families with 4 or more

N.I. – 36% of all children in families of 3+

15% - in families with 4 or more

Children in N. Ireland more likely to be deprived, including severely deprived, than children in any other part of the UK.

Objections to extending Abortion Act to NI

No one wants it...this means politicians...don't women count?

Sept 2007: Irish Times opinion poll asked women whether abortion should be legal if the woman's **physical or mental health in danger**

69% said Yes 17% No

40% said abortion should be available at the woman's request

Should be left to the Assembly

Why should N. Ireland be different to Scotland or Wales where abortion is not devolved – reserved precisely to avoid the kind of religious pressure faced by political parties in NI?

1967 Act not good enough

True, but better half a loaf than no bread at all. Extension would at least mean that the poorest women would be able to end pregnancies on the NHS, instead of being forced to continue them as they are at present.

**Women in NI pay the same
taxes as women in rest of UK**

So why do we not have the
same right to healthcare?

40 years on the Abortion Act
must be extended to NI