



## BRIEFING

# Imposing Ultra-liberal Abortion laws onto Northern Ireland: Putting Women and Unborn Children at Risk

A new legal framework for abortion services in Northern Ireland- Implementation of the legal duty under section 9 of the Northern Ireland (Executive Formation etc) Act 2019

**Deadline: 16 December 2019**

### Background to the Consultation

On 22 October 2019, the UK Parliament passed the Northern Ireland (Executive Formation etc) Act 2019 (NI EF Act). As one of its provisions, this Act decriminalises abortion in Northern Ireland (NI) by repealing sections 58 and 59 of the Offences Against the Person Act 1861. Since 22 October 2019, the NI EF Act has also put in place a moratorium on prosecutions related to abortion. The Act also places a duty on the UK government to establish regulations covering abortion for NI by 31 March 2020.

The Northern Ireland devolution settlement gives legislative control over all devolved matters, including health, education, roads and housing, to the Northern Ireland Executive. Following suspension of the Assembly in 2017, however, the UK Government has assumed certain statutory powers. Specifically, under the Northern Ireland (Executive Formation) Act, it has decriminalised abortion in the province, and legalised same sex marriage. The latter is not part of this Consultation, but both abortion and same sex marriage have previously been rejected the NI Assembly.

Until now, abortion in NI was only permitted where there was serious and substantial threat to the life of the mother, or to her mental health.

### Why Respond to this Consultation?

The Government emphasises that this consultation is *not* about seeking views on the ethics of abortion. The NI (EFA) 2019 decriminalised abortion, and the law now places a legal duty on the UK Government to establish regulations on abortion within the province. It is therefore not about *if* the Regulations are brought in, but *how*. However, it is crucial that the UK Government hears the views of everyone, including those who are pro-life for the following reasons:

- Abortion in England, Wales and Scotland<sup>1</sup> continues to be a criminal offence. The Abortion Act 1967 laid down the conditions under which an abortion might legally be performed. If those conditions are not met, abortion remains a criminal offence. The effect of the Northern Ireland

- provisions is to decriminalise abortion in entirety. This sets a precedent for England and Wales to follow suit.
- If England and Wales follow NI - making abortion a ‘medical matter’ devoid of legal protections - it will essentially give the message that the ‘life’ of the unborn child has no intrinsic value and does not merit protection. The effect of this would be to give sole ‘rights’ to the mother, allowing her choose whether or not to bear her child, as she wills. If those with pro-life views are not heard, the UK Government will assume public opinion supports the plans for change to NI law. It will then cite this as evidence of overall support or decriminalising abortion in England and Wales.
- As long as abortion remains a criminal offence (as in England and Wales), two doctors must provide certification, showing that having the child poses greater risk to the mental or physical health of the mother than having an abortion. While VfJUK recognises this condition is commonly flouted in its compliance, the plans for NI go much further. By removing any element of offence, having an abortion will become trivialised. This will inevitably expose women to harm. Abortion is not risk-free and there is a growing and credible body of scientific evidence showing that women who choose abortion are placing their mental health at future risk.<sup>2</sup> While this is still a matter for research, it is misleading and disingenuous for women to be told that abortion is risk-free. It is not.

**For online questionnaire: [Read here](#)**

**For the Government’s Consultation document: [Read here](#)**

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<sup>1</sup> In Scotland, abortion remains a common law crime.

<sup>2</sup> See: “Abortion and Mental Health Outcomes: What do the Studies Say?” in *Relationships and Sex Education: The Way Forward*, A Report from the Lords and Commons Family and Child Protection Group, pp. 57-65. Published by VfJUK (2018). <https://vfjuk.org.uk/wp-content/uploads/2018/09/RSE-report-2018-webv2.0.pdf>