

13.5 Decriminalisation of Abortion in Northern Ireland

Council notes the following:

- 1 Abortion is available in Northern Ireland only where there is a risk to the life or long term mental or physical health of the pregnant person, which excludes cases where there is fatal foetal abnormality, or a pregnancy as a result of sexual crime. In most circumstances, abortion is a criminal offence punishable by a maximum sentence of life imprisonment under the 1861 Offences Against the Person Act. The 1967 Abortion Act was never extended to Northern Ireland.
- 2 In April 2016, a 21-year-old woman was convicted under the 1861 Offences Against the Person Act and given a suspended sentence of three months' imprisonment for procuring an abortion with Mifepristone and Misoprostol purchased online.
- 3 The UK Department of Health reported that 16 NHS abortions were carried out in Northern Ireland in 2015 and at least 833 NI residents travelled to England for private abortion healthcare, costing up to £2000 per person.
- 4 In November 2015, Judge Horner of the Belfast High Court declared that the current abortion law in Northern Ireland breaches Article 8 of the European Convention on Human Rights (the right to private and family life) by failing to provide an exception to the ban on abortion in cases of fatal foetal abnormality, or pregnancy as the result of sexual crime.
- 5 On 10 February 2016, the NI Assembly voted against reform to allow lawful access to abortion in cases of fatal foetal abnormality and sexual crime. As a result, the abortion law in Northern Ireland remains the most restrictive in Europe and incompatible with minimum human rights standards.

Council further notes with great concern that:

1. This month the PSNI have implemented a crackdown on the procurement of Mifepristone and Misoprostol to induce abortion.
2. These medications appear on the World Health Organisation's list of essential medicines and are already used in NI hospitals for miscarriage management and a very limited number of lawful medical abortions. However, Mifepristone and Misoprostol are regarded as 'poison' under the 1861 OAPA for the purpose of criminalising abortion.
3. People with crisis pregnancies who travel from Northern Ireland to England to access a termination must pay to access treatment privately, while those resident in England, Scotland and Wales are eligible to receive abortion care on the NHS (within the limits of the 1967 Abortion Act). The cumulative cost of transport, accommodation and the procedure itself places a particularly heavy burden on pregnant people on low incomes.
4. Obtaining an early medical abortion by purchasing abortion pills online is much less expensive than travelling to England, therefore it is a method of abortion which is frequently relied upon by 16 to 25 year olds and those on low incomes.
5. Victims and survivors of domestic violence, people with disabilities and people with caring responsibilities can face additional barriers when travelling to access abortion, or find it impossible to travel altogether.
6. The criminalisation of abortion in Northern Ireland deters people from accessing aftercare, for fear of being reported to the PSNI if they disclose that they induced an abortion with medication.

Council believes that:

- 1 Individuals who make the decision to terminate a pregnancy should be supported and cared for in Northern Ireland, rather than disempowered and isolated by having to travel elsewhere to do so.

- 2 Access to reproductive healthcare is a student welfare issue: students can face crisis pregnancies which have an adverse effect on their university lives. The inaccessibility of safe and legal abortion in Northern Ireland places an undue burden on these students in an already distressing situation.
- 3 Abortion should be governed by the same robust regulatory and ethical frameworks as all other medical procedures.

Council thus resolves:

- 1 To commit to ensuring reproductive justice for all, including women, trans men, non-binary and gender fluid people, and removing barriers to abortion access in Northern Ireland.
- 2 To support the introduction of legislation which supersedes Sections 58 and 59 of the Offences Against the Person Act 1861, and has the effect of ensuring full decriminalisation of abortion in Northern Ireland.
- 3 Council will support legislation to decriminalise all aspects of abortion healthcare, including: to save the life of the pregnant person, to preserve physical and mental health, in cases of sexual crime, where there is a diagnosis of a fatal foetal abnormality, for socio-economic reasons, and at the request of the pregnant person.
- 4 To support the campaign for reproductive justice and decriminalisation of abortion worldwide.

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