



women's
RESOURCE & DEVELOPMENT AGENCY
— Celebrating 30 years —

Consultation on the limited Circumstances for a Lawful Termination of Pregnancy in Northern Ireland

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Women's Resource and Development Agency

The Women's Resource and Development Agency (WRDA) is a regional organization operating throughout Northern Ireland, with a mission to 'advance women's equality and participation in society by working to transform political, economic, social and cultural conditions'. The organisation was established in 1983 and continues to focus its efforts on working with women and community organisations located within disadvantaged communities. WRDA is a membership organisation with over 190 members comprised of women's groups, organisations, and individual members.

As a pro-choice organisation and linking in with our vision, mission and the current strategic plan, the approach of WRDA is to put an emphasis on:

- the rights of women,
- the inequality in terms of service provision, the gaps and deficiencies in poorly resourced health and sex education across all levels, and the protection and the promotion of health and well-being at public policy level,
- allowing for the exercise of personal conscience at individual level for staff and Management Committee members.

Women's Health Needs

WRDA has developed a number of health programmes, which are delivered by our team of Community Facilitators, using a proven model combining peer education and experiential learning, to women in disadvantaged communities across Northern Ireland. Our delivery of two programmes in particular have direct relevance to the subject of this

consultation - *Women's Health Needs and Let's Talk – Parent/Child communication regarding sexual health.*

1 Introduction

(1.1) We note the use of emotive and non-medical language regarding the aim of health and social care. The correct terminology should be 'foetus', not 'unborn child'. There is no legal status for 'the unborn child'.

(1.3) We regret the restrictive nature of the legislation and do not believe that 19th century legislation, namely the 1861 Offences Against the Person Act, is legislation that is fit for purpose in the 21st century. We believe that this does have an adverse impact on the lives of women in Northern Ireland, as evidenced by the numbers who cross the water to Britain every day in order to access the availability of abortion facilities and we are of the belief that this restriction is a direct violation of the European Convention on Human Rights.

We followed the proceedings of the UK government examination of its obligations under CEDAW on 17 July 2013 and noted that one of the CEDAW Committee members stated that the draft guidance on abortion is 'ambiguous and restrictive'. Given the binding nature of CEDAW as a UN Convention for the Elimination of all Forms of Discrimination Against Women, we would urge that this guidance be revisited.

2 The Legal Framework

(2.4) We wish to emphasise our conviction that all policy regarding termination of pregnancy should fall within the remit of the Department of Health, Social Services and Public Safety, as it is clear that this is a health issue and not a criminal issue and for that reason it is not appropriate for the Department of Justice to have responsibility for women's health needs.

(2.7.ii) We note that a termination of pregnancy can be lawful 'only where the continuance of the pregnancy threatens the life of the woman, or would adversely affect her physical or mental health in a manner that is "real and serious" and "permanent or long term"'. With the tragic death of Savita Halappanavar as an example, can we have any assurance from this Guidance that any woman presenting with similar symptoms can expect a speedy response from medical personnel – that is, can expect to have her right to an abortion upheld, as the only way to guarantee her continued right to life? We note that this is regarded on occasion (2.10) as a 'difficult decision'. We would urge that (2.11) 'reasonable grounds and adequate knowledge' must also include the knowledge of the woman as to what is happening to her body and her wishes regarding appropriate treatment.

(2.13) We are greatly concerned by the assertion that those who 'unlawfully' carry out a termination of pregnancy or who assists, may be liable to life imprisonment. Such a punitive stance will have the effect of limiting those few abortions which do meet the guidelines, as medical professionals are more likely to err on the side of caution rather

than find themselves the subject of enquiries and possible imprisonment. The thrust of the Guidance is on prohibition rather than on the health needs of women.

4 The right to conscientious objection

(4.1) We note the clarification of the rights of health care professionals to conscientious objection and welcome (4.2) that healthcare professionals may not refuse to participate in a termination when there is an emergency situation.

5 Provision of Counselling Services

We believe that the information regarding counselling services for women with crisis pregnancies is extremely misleading and in contradiction to the ruling by the European Court of Human Rights with regards to *Open Door and Dublin Well Women v Ireland*. It is not (5.12) a 'grey area' to provide advice on abortion services. It is a right protected by Article 10 of the European Convention.

Conclusion

Many international bodies, most notably CEDAW, have called for a public consultation on reforming the law in Northern Ireland in relation to abortion. This is long overdue. Women from Northern Ireland, despite being UK citizens and paying the same taxes as their peers in England, Scotland and Wales, are denied the right to an abortion under the National Health Service. This has particularly harsh consequences for women with low incomes and women with caring responsibilities, given that women have to make an expensive and time consuming journey to Britain. We urge the Department of Health, Social Services and Public Safety to make women's health needs a priority when it comes to consideration of guidelines for termination of pregnancy in Northern Ireland.