



## Attitudes to Abortion in Northern Ireland

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In 2016 the Northern Ireland Life and Times Survey (NILT) asked the Northern Ireland public their views on a range of issues relating to abortion and abortion law. This is the most comprehensive survey of public attitudes on abortion to date. This Research Update presents key findings from the survey including views on the legality and illegality of abortion, in what circumstances abortions should or should not be allowed and the criminalisation of abortion.

The 1967 Abortion Act, which established legal abortion in Britain, was never extended to Northern Ireland. In England, Scotland and Wales abortion is allowed up to 24 weeks' gestation if two doctors certify that continuing the pregnancy would involve greater risk than termination to the physical or mental health of the pregnant woman or any of her existing children. Abortions after 24 weeks are allowed if continuing the pregnancy would cause greater risk than termination to the life of the woman, to prevent grave permanent injury to her physical or mental health, or when there is a substantial risk that the child, if born, will have serious disabilities. In Northern Ireland, access to abortion is only permitted if a woman's life is at risk or there is risk to her mental or physical health that is long term or permanent. Foetal abnormalities, even if fatal, rape and incest are not circumstances in which abortions can be performed legally. Law

in Northern Ireland is governed by the Offences against the Person Act, 1861 whereby anyone who uses "any poison or other noxious thing" to bring on a miscarriage is guilty of an offence with a maximum penalty of life imprisonment. Although few women can access legal abortion in Northern Ireland - only 16 legal abortions were performed in 2015/16 (British Medical Association, 2017) - many travel to Britain to obtain an abortion and many more now purchase abortion pills online.

Abortion policy was devolved to the Northern Ireland Assembly in 2010 as part of wider policing and justice powers under the Hillsborough Castle Agreement and the reform of abortion policy in Northern Ireland has become a major area of debate. Lengthy legal challenges by the Family Planning Association for Northern Ireland to address the lack of clarity in the law for medical professionals and those seeking abortions eventually resulted in the publication of guidance by the DHSSPS in 2016. This came shortly after the Northern Ireland Human Rights Commission successfully brought judicial proceedings that found Northern Ireland's restrictive law on abortion on the grounds of fatal foetal abnormality and sexual crime is incompatible with Article 8 of the European Convention on Human Rights (High Court of Justice, 2015). Proposals to legalise abortion in cases of foetal abnormality, and on

another amendment that would allow abortions in cases of rape or incest, were defeated by 59-40 and 64-30 respectively in the Northern Ireland Assembly in 2016. For decades, political representatives in Northern Ireland have argued that their opposition to the liberalisation of abortion law reflects the views of the public, but is this the case?

### Attitudes to abortion law

NILT respondents were presented with a number of scenarios and asked if they thought that abortion should be legal or illegal in these circumstances. Table 1 indicates that responses varied according to the specific situation.

There is very strong public support for abortion being legal where the life of a woman is at risk and where there is a serious threat to her mental or physical health. Of the 83 per cent of respondents who believe that abortion should definitely or probably be legal in cases where a serious health condition means that she will die if she has to continue the pregnancy, a majority, 56 per cent, say it *definitely* should be legal. Where there is a serious threat to the woman's physical or mental health if she continues the pregnancy, 76 per cent of those taking part in NILT believe that abortion should be definitely or probably be legal. A similar response is evident in relation to cases of fatal or serious foetal abnormality. Here 81 per cent of respondents think that abortion should definitely or probably be legal where the foetus has a serious abnormality and *will* not survive the birth and 73 per cent also feel this should be the case where the foetus has a serious abnormality and *may* not survive beyond the birth. More than

half of respondents, 54 per cent, think that abortion should *definitely* be legal if a woman has become pregnant because of rape or incest with a further 24 per cent saying it should *probably* be legal in such situations. There is less support for abortion being legal where a woman wants an abortion because she has become pregnant and does not want to have children; 43 per cent of people hold the view that abortion should definitely *not* be legal in this situation with a further 17 per cent saying it should *probably not* be legal.

Only 19% of people think abortion should definitely or probably be illegal if “a doctor says that there is more risk to the life of a pregnant woman if she continues with a pregnancy than if she were to have an abortion”. This wording is based on Ground C of the 1967 Abortion Act, which states that abortion is legal if two doctors believe: “that the continuance of the pregnancy would involve risk to the life of the pregnant woman, greater than if the pregnancy were terminated” This is the ground under which 98% of abortions are carried out in England and Wales (HoC, 2016).

Some differences are evident among men and women, with men being slightly more likely than women to say that abortion should be legal. In addition, respondents aged 25-34 years are the age group most likely to think that abortion should be legal in these situations (except in relation to the last scenario). However, differences in views are much more apparent when attitudes are analysed by the religion of respondents as shown in Table 2. Across all situations, respondents of no religion were more likely than Catholics or Protestants to say that abortion should be legal, and Catholics were least

Table 1: Views on legality of abortion

	%				
	Definitely should be legal	Probably should be legal	Probably should be illegal	Definitely should be illegal	Don't know
The foetus has a <b>fatal abnormality</b> and the baby will not survive beyond the birth.	58	23	6	10	4
The foetus has a <b>serious abnormality</b> and the baby may not survive beyond the birth.	45	28	11	12	5
A woman has become pregnant because of <b>rape or incest</b> .	54	24	8	11	4
A pregnant woman has a serious health condition and doctors say <b>she will die</b> if she has to continue the pregnancy.	56	27	4	8	5
A doctor says there is a serious <b>threat to the woman's physical or mental health</b> if she continues with the pregnancy.	46	30	8	10	6
A doctor says that there is more risk to the life of a pregnant woman if she <b>continues</b> with a pregnancy than if she were to have an abortion.	44	31	9	10	5
A woman wants an abortion because she has become pregnant and <b>does not want to have children</b> .	17	17	17	43	6

likely. The strongest consensus between Catholics and Protestants was in relation to the last scenario (A woman wants an abortion because she has become pregnant and **does not want to have children**) where responses were similar.

The NILT respondents were then presented with a different set of circumstances and asked if a pregnant woman in Northern Ireland should be allowed to have an abortion in each of these. As shown in Figure 1, there is little support for allowing a pregnant woman to have an abortion if she is about to start a new job, if she has just lost her job, if she feels she has already completed her family, if the family is on a low income, her partner is dying of cancer, or her partner is abusive. Whilst respondents are more supportive of allowing abortion in other scenarios, the only situation where a majority would allow an abortion is when a 15 year old girl is pregnant (53%).

## Change over time?

Have attitudes changed in Northern Ireland? A small number of questions about abortion were included in previous NILT surveys and its predecessor survey, the Northern Ireland Social Attitudes (NISA) Survey in 1990. While the wording of questions varies, it is still possible to draw some comparisons. In 1990, the NISA survey asked whether the law should allow abortion where there is a strong chance of a defect in the baby, where the pregnancy was a result of rape, and where the woman's health was seriously endangered by the pregnancy. There was support for the law allowing abortion in all three cases (Table 3).

Table 2: Legality of abortion, by religion

		%		
		Catholic	Protestant	No Religion
The foetus has a <b>fatal abnormality</b> and the baby will not survive beyond the birth.	Definitely/probably should be legal	72	84	93
	Definitely/probably should be illegal	24	13	5
	Don't know	4	3	2
The foetus has a <b>serious abnormality</b> and the baby may not survive beyond the birth.	Definitely/probably should be legal	62	76	88
	Definitely/probably should be illegal	33	20	10
	Don't know	5	4	2
A woman has become pregnant because of <b>rape or incest</b> .	Definitely/probably should be legal	69	81	92
	Definitely probably should be illegal	26	16	6
	Don't know	5	4	1
A pregnant woman has a serious health condition and doctors say <b>she will die</b> if she has to continue the pregnancy.	Definitely/probably should be legal	75	85	95
	Definitely/probably should be illegal	19	11	3
	Don't know	7	4	2
A doctor says there is a serious <b>threat to the woman's physical or mental health</b> if she continues with the pregnancy.	Definitely/probably should be legal	65	78	92
	Definitely/probably should be illegal	27	17	7
	Don't know	8	5	1

Figure 1: Circumstances in which abortion be allowed

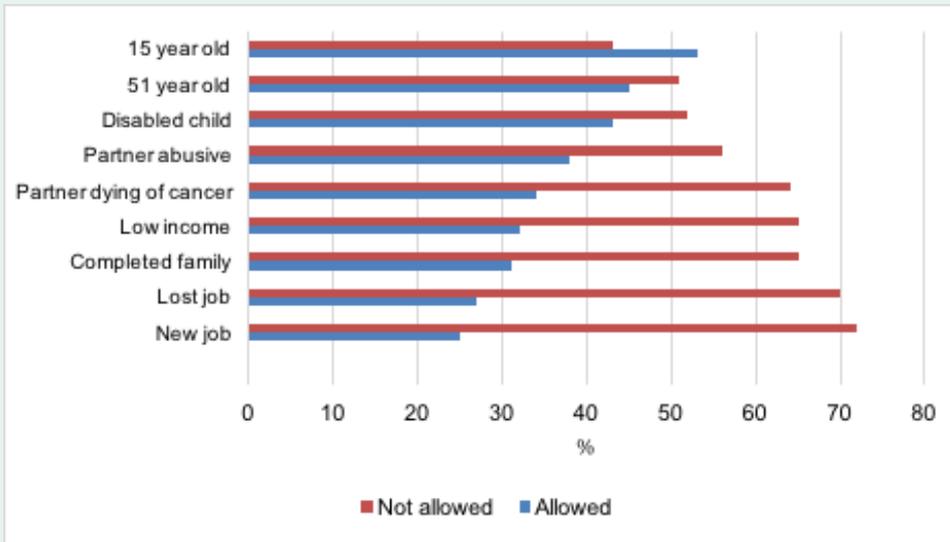


Table 3 Legality of Abortion 1990

	%	
	Yes	No
Should the law allow abortion where there is a strong chance of a defect in the baby?	59	35
Should the law allow abortion where the woman's health is seriously endangered by the pregnancy?	76	19
Should the law allow abortion where a woman becomes pregnant as a result of rape?	71	25

While noting that the exact same questions were not asked in these earlier surveys and in the 2016 survey, it does seem that support for abortion in some cases has increased. In the 1998, 2004 and 2008 NILT surveys, (Table 4) about one half of the population said it was not at all or only sometimes wrong to have an abortion if there was a strong chance of serious defect in the baby. In 2016, 81 per cent of those surveyed think that the law should definitely/ probably allow abortion if the foetus has a fatal abnormality, and 73 per cent think this if the foetus has a serious abnormality.

In 1990, 71 per cent of NISA respondents were in favour of the law allowing abortion where a women had become pregnant as a result of a rape; in 2016, 78 per cent of NILT respondents said that the law should definitely/probably allow abortion in cases of rape or incest. There was less support in NISA surveys for a pregnant woman being allowed an abortion if a family was on a low income and cannot afford more children. This also appears to be the case in 2016, with 65 per cent of NILT respondents thinking that abortion should probably or definitely not be allowed for this reason.

One constant has been the association between religious faith and attitudes to abortion. Responses to previous NISA and NILT survey questions show that Catholics have been less accepting of abortion than Protestants, whilst the strongest support is expressed by those of no religion. This has also been the case in Britain (Parke and Rhead, 2012). However, as is also the case in Britain, people with an religious affiliation have also become more accepting of abortion in some circumstances. In Northern Ireland, this is particularly notable among Catholics. In 1990, only 28 per cent of Catholics compared to 75 per cent of Protestants and 78 per cent of those with no religion thought that the law should allow abortion where there is a strong chance of a serious defect in the baby. In 2016, 72 per cent of Catholics agreed that abortion definitely or probably should be legal where the foetus has a *fatal abnormality* and the baby will not survive beyond the birth. Furthermore, 62 per cent thought this should be the case where there was a serious abnormality which meant that the foetus *may not* survive beyond the birth. One half (52%) of Catholics in 1990 said that the law should allow abortion where the women's health is seriously endangered; in 2016, 65 per cent thought that abortion should definitely or probably be legal in such circumstances.

## Exporting a problem?

For many years women have travelled from Northern Ireland to Britain to obtain private abortions. In recent years the number doing so has declined due to the increasing use of abortion medication purchased online. Even so, in 2016 more than 700 women travelled to England to obtain an abortion. While women living in England, Scotland and Wales have access to NHS funded

Table 4: NILT data on attitudes to abortion

		%		
		1998	2004	2008
Wrong or not wrong for a woman to have an abortion if there is a strong chance of serious defect in the baby	Always wrong	23	25	25
	Almost always wrong	11	13	15
	Wrong only sometimes	17	20	23
Wrong or not wrong for a woman to have an abortion if the family has a very low income and cannot afford any more children	Not wrong at all	37	28	26
	Can't choose	11	13	12
	Always wrong	43	49	43
	Almost always wrong	15	15	17
	Wrong only sometimes	12	11	15
	Not wrong at all	14	10	14
	Can't choose	8	10	12

abortions, women from Northern Ireland have been denied access to NHS funded abortion services in Britain. A legal case in 2014 seeking to establish the right of women from Northern Ireland to access abortion services funded by the NHS was unsuccessful. A challenge to this decision was made in the Supreme Court. On 14 June 2017, it rejected the appeal by a majority of 3 to 2. The judgment noted that devolutionary powers should be taken into consideration and that Mr Hunt, the Secretary of State for Health at Westminster, was “entitled to afford respect to the democratic decision of the people of Northern Ireland not to fund abortion services”. Lord Wilson also noted that ‘the law had placed women in Northern Ireland facing unwanted pregnancies in a ‘deeply unenviable position’ (Supreme Court, 2017)

We asked respondents for their views on a number of issues relating to this, as shown in Table 5. There was strong support for the view ‘that we are exporting our problems rather than dealing with them’ with 77 per cent of those surveyed agreeing with the statement. 45-54 years olds were the age group much more likely to *strongly agree* with the statement (4%). While Catholics were less likely than Protestants or those with no religion to agree, the proportion was still high at 73 per cent (compared to 80% per cent of Protestants and 82% of those with no religion). Most respondents perceive it as unfair that while some women can afford to travel and pay for a private abortion in England, others don’t have the money to do this, with 72 per cent strongly agreeing/agreeing with the statement. The fact that English women

can have an abortion within the NHS but Northern Ireland women cannot have an abortion on the NHS anywhere in the UK, was also viewed by most people (77%) as very unfair. This was the view of the majority of Catholics (71%), Protestants (80%) and those with no religion (84%).

As noted earlier, increasing numbers of women in Northern Ireland are having abortion using pills bought online. Figures show that about 700 women ordered pills online from one of the feminist websites in 2016. Recent prosecutions in Northern Ireland have generated much debate. In 2016 a Belfast woman was given a three-month jail sentence, suspended for 12 months, after admitting buying abortifacients (pills which cause a miscarriage) online and then self-administering them in the first trimester of her pregnancy. In another case a woman and her partner had charges withdrawn after they accepted cautions. A case involving a 15 year old girl has led to a legal challenge to the decision to prosecute her mother for unlawfully obtaining “poison” (abortion pills) with intent to procure a miscarriage after she was reported to the police by a medical professional. The decision to prosecute in these cases has been controversial and has generated debate about the criminalisation of abortion. Section 5 of the Criminal Law Act (Northern Ireland) 1967 places a legal duty, unique to Northern Ireland, on everyone to report to the police information they may have about the commission of a relevant offence. The DHSSPS guidance on abortion states that ‘*Health and social care professionals must balance the need for confidentiality of patients with the obligation to report unlawful terminations of pregnancy to the police and the need to protect others from risk of serious harm.*’ (DHSSPS, 2016). The NILT survey asked people for their views on this issue. Findings show that there

Table 5 Attitudes to women travelling for private abortions

	%					
	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know
We are just exporting our problems rather than dealing with them	29	48	7	11	2	3
It is unfair that some Northern Ireland women can afford to travel and pay for a private abortion in England and others don't have the money to do this.	28	44	14	10	2	3
It is unfair that English women can have an abortion within the NHS but Northern Ireland women cannot have an abortion on the NHS anywhere within the UK	34	43	9	9	3	2

is strong resistance to the criminalisation of pregnant women who buy pills off the Internet.

The NILT survey asked respondents for their views on this issue, by asking if a woman in four different circumstances should face criminal charges for buying abortion pills online. Table 6 shows that there is strong resistance to the criminalisation of pregnant women who buy pills off the Internet. For three out of four scenarios, around three quarters

of respondents feel that a pregnant woman should not face criminal charges for buying pills. Responses were similar for Catholics, Protestants and those of no religion in the first three scenarios. However, attitudes were more divided in the situation where a woman buys abortion pills off the internet if she does not want to have children: 33 per cent thought that the woman should face criminal charges, whilst 51 per cent thought the opposite. Those in the 25-34 year age group were most likely to say

she should face criminal charges (47%). In line with opposition to the criminalisation of women, 70 per cent of respondents said that a woman should never go to prison for having an abortion. Views among Catholics, Protestants and no religion were very similar. The majority of respondents (63 per cent) also disagreed that doctors should face criminal charges if they carry out an abortion. In terms of whether doctors should face criminal charges if they refuse an abortion where the mother's

Table 6: Criminal charges for buying abortion pills

	Yes	No	Don't know	It depends
If she has become pregnant because of <b>rape or incest?</b>	12	76	6	6
If a doctor says that there is a serious <b>threat to the woman's physical or mental health</b> if she continues with the pregnancy?	14	74	7	6
If a doctor says that there is more risk to the life of a pregnant woman if she continues with a pregnancy than if she were to have an abortion?	13	73	8	7
If she <b>does not want to have children?</b>	33	51	8	8

life is at risk and then dies, 40 per cent agreed that a doctor should face criminal charges in such a situation and 38 per cent disagreed. Importantly, 70 per cent of those taking part in NILT believe that abortion should be a matter for medical regulation and not criminal law.

## Why public attitudes matter

Northern Ireland currently has some of the most restrictive abortion laws in the world. Women who are viewed as infringing these laws and those who assist them are subject to harsh criminal penalties. These findings, based on the views of a representative sample of the Northern Ireland public, show that abortion legislation in Northern Ireland is out of step with public opinion. There is very strong support for changes to the

law in cases where the life or the health of the pregnant woman is at risk, in cases of fatal and serious foetal abnormality and where a pregnancy is a result of rape or incest. There is less but still majority support for abortion to be allowed in other situations – such as where a 15 year girl is pregnant. There is opposition to abortion being allowed where a woman wants one because she has lost her job or is starting a new job, or where a family is on a low income and feels it cannot afford another child.

These findings come at an important juncture in Northern Ireland with increasing pressure for legislative reform. The United Nations Committee on the Elimination of Discrimination against Women (CEDAW) has asked for public consultation on abortion in Northern Ireland and has pressed for legal reform

(CEDAW, 2008, 2013) as has the UN Committee the Committee on Economic, Cultural and Social Rights Committee (ECSRC, 2016). The 2015 court ruling that Northern Ireland's abortion laws contravened the European Convention on Human Rights, was appealed by the Attorney General and the Department of Justice. The Court of Appeal is expected to deliver its judgment in June 2017. There is considerable public debate about the criminalisation of women obtaining and using abortion pills. While health policy and criminal law are transferred responsibilities falling within the competence of the Northern Ireland Executive, human rights is not a devolved matter. The Westminster Government is responsible for the implementation of international human rights treaties and for ensuring compliance from the devolved jurisdictions of the UK.

## Key points

- There is very strong support among the Northern Ireland public for abortion to be allowed where there is a risk to the life of the woman or a serious risk to her physical or mental health and in cases of fatal or serious foetal abnormality and where a pregnancy is a result of rape or incest.
- The majority of people are opposed to abortion in cases such as where a woman wants an abortion because she does not want more children, has lost her job or wants an abortion because she has a new job.
- Most (77%) of respondents think that we are exporting the issue of abortion rather than dealing with it.
- A high proportion of people see it as unfair that some women can afford to travel to England for an abortion and others cannot and that women from Northern Ireland cannot access abortion on the NHS anywhere in the UK.
- There is strong opposition to the criminalisation of women who buy abortion pills online and to the imprisonment of women for having abortions. People also oppose doctors facing criminal charges for carrying out an abortion.
- Religious faith is associated with attitudes to abortion with Catholics being less accepting of abortion than Protestants and non religious respondents.
- There is evidence that support for abortion has increased among both Catholics and Protestants since 1990.

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The **Northern Ireland Life and Times (NILT) survey** is carried out annually and documents public opinion on a wide range of social issues. NILT is a joint project of the two Northern Ireland universities and aims to provide an independent source of information on what the public thinks about the social issues of the day.

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