



Northern Ireland supports abortion law reform

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Westminster legislation and reform of abortion law in Northern Ireland

At midnight on 21st October 2019 under the provisions set out in The Northern Ireland (Executive Formation etc) Act 2019, abortion law in Northern Ireland will be reformed. Sections 58 and 59 of the Offences Against the Person Act 1861 will be repealed resulting in the decriminalisation of abortion. The legislation states that “no investigation may be carried out, and no criminal proceedings may be brought or continued, in respect of an offence under those sections under the law of Northern Ireland (whenever committed)”(section 9,3). This means that criminal charges can no longer be brought against individuals having an abortion or against qualified medical professional providing abortion. The government will also have to put in place a regulatory framework for abortion services by March 2020. The reforms, resulting from an amendment to the Northern Ireland (Executive Formation) Bill by Labour MP Stella Creasy, received overwhelming support in the House of Commons.

The legislation places a duty on the Secretary of State to implement the recommendations (in paragraphs 85 and 86) of an inquiry conducted by United Nations Committee on the Elimination of Discrimination Against Women (CEDAW, 2018) which concluded that there were systemic and grave violations of human rights as a result of the current law on termination of pregnancy in Northern Ireland.

There has been opposition to the legislation from anti abortion groups in Northern Ireland and from the main churches. The new law will not take effect if the devolved government at Stormont is restored by 21 October 2019. On 17th October thirty one members of

the Northern Ireland Assembly, which has not operated since January 2017, signed a petition triggering a recall of the Assembly on Monday 21 October in an attempt to prevent the legislation being introduced. The recall will not affect the impending law changes. As noted in the general regulations of the Act (section 13) an Executive is formed only “once the offices of the First Minister, deputy First Minister and the Northern Ireland Ministers are all filled”. But does this opposition reflect public opinion?

What do the Northern Ireland public think?

There is strong evidence of public support for the reform of abortion law. An ESRC funded study at Ulster University using data from the 2016 Northern Ireland Life and Times Survey found that a large majority (82 per cent) of people believe that abortion should be legal where the life or the health of the pregnant woman is at risk. Where there is a fatal or serious foetal abnormality (81 per cent and 75 per cent respectively) are in favour of abortion being legal and 78 per cent believe this should be the cases of rape or incest (Gray, 2017). A number of the questions first put to the public in 2016 were asked again in the 2018 Life and Times Survey and, as the following figures show, public support for decriminalisation grew between 2016 and 2018.

Abortion should be a matter for medical regulation and not criminal law

2016	Strongly agree 23%	Agree 48%	Agree in total 71%
2018	Strongly agree 44%	Agree 38%	Agree in total 82%

A woman should never go to prison for having an abortion

2016	Strongly agree 31%	Agree 40%	Agree in total 71%
2018	Strongly agree 57%	Agree 32%	Agree in total 89%

It is a woman's right to choose whether or not to have an abortion

2016	Strongly agree 25%	Agree 38%	Agree in total 63%
2018	Strongly agree 39%	Agree 32%	Agree in total 71%

Most respondents to the survey also say that “It is a woman’s right to choose whether or not to have an abortion” with more people holding this view in 2018 than in 2016.

What the Life and Times findings also reveal is strong support for abortion reform in Northern Ireland across supporters of all the main political parties. In cases of

fatal or serious foetal abnormality, where the life or health of the mother is at serious risk and in cases of rape and incest, the overwhelming majority of supporters of each of the main parties said that in their view abortion should definitely or probably be legal. Where there is a fatal foetal abnormality 88 per cent of Alliance Party supporters said that abortion should be legal as did 86 per cent of UUP supporters, 80 per cent of Democratic Unionist Party (DUP) supporters and 75 and 74 per cent respectively of Social Democratic and Labour Party (SDLP) and Sinn Fein (SF). Where the pregnant woman was likely to die as a result of the pregnancy, 96 per cent of Alliance supporters thought that abortion should be legal, as did 90 per cent of UUP supporters, 81 per cent of DUP supporters, 79 per cent of SF supporters and 74 per cent of SDLP supporters. While the DUP has expressed strong opposition to the legislation enacted at Westminster, in 2016 its supporters expressed the view that abortion should be definitely or probably be legal in six out of seven scenarios showing a higher level of support for reform of abortion law than SF or SDLP supporters (Gray, Horgan and Devine, 2018).

References:

- Committee on Elimination of Discrimination Against Women (CEDAW) (2018) *Report of the inquiry concerning the United Kingdom of Great Britain and Northern Ireland under article 8 of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women*, http://tbinternet.ohchr.org/Treaties/CEDAW/Shared_Documents/GBR/INT_CEDAW_ITB_GBR_8637_E.pdf
- Gr Gray, AM. (2017) Attitudes to Abortion in Northern Ireland, <https://www.ark.ac.uk/ARK/sites/default/files/2018-07/update115.pdf>
- Gray, AM., Horgan, G. and Devine, P. (2018) Do social attitudes to abortion suggest political parties in Northern Ireland are out of step with their supporters? <https://www.ark.ac.uk/ARK/sites/default/files/2018-06/Feature7.pdf>

Notes

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Full details about the 2016 Northern Ireland Life and Times survey are available on the survey website at: <http://www.ark.ac.uk/nilt>