



**Convention on the Elimination  
of All Forms of Discrimination  
against Women**

Distr.: General  
5 December 2014

Original: English

**ADVANCE UNEDITED VERSION**

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**Committee on the Elimination of Discrimination  
against Women**

**Concluding observations on the seventh periodic report of  
the United Kingdom of Great Britain and Northern Ireland**

**Addendum**

**Information provided by the United Kingdom of Great Britain and  
Northern Ireland on the follow-up to the concluding observations of the  
Committee\***

[Date received: 26 November 2014]

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\* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not edited.

## **The Steps Undertaken to Implement Abortion Law in Northern Ireland**

The CEDAW Committee has requested that written information on the steps undertaken to implement its recommendation about abortion law in Northern Ireland be provided by 30 November 2014.

### **Background**

The CEDAW Committee acknowledged the consultation process on a revised set of guidelines on *The Limited Circumstances for a Lawful Termination of Pregnancy in Northern Ireland*. However, it regretted that a public consultation had not been undertaken on the possible abolition of criminal abortion laws. The Committee is concerned that abortion continues to be illegal in Northern Ireland in all cases except where continuance of the pregnancy threatens the life of the mother, thus making it necessary for women to seek abortion in other parts of the UK.

### **Committee Recommendations**

The Committee recommended that Northern Ireland should expedite the amendment of the anti-abortion law in Northern Ireland with a view to decriminalising abortion, and should ensure that legal abortion is available in circumstances such as threats to the mother's health, and in cases of rape, incest and serious foetal conditions.

*51. Recalling its previous recommendation, the Committee reiterates that, in line with general recommendation No. 24 on women and health and the Beijing Declaration and Platform for Action, the State party should expedite the amendment of the anti-abortion law in Northern Ireland with a view to decriminalise abortion. The State party should also ensure that legal abortion not only covers cases of threats to the life of a pregnant woman but also other circumstances such as threats to her health and in cases of rape, incest and serious malformation of the foetus.*

### **Update**

The Office of the First Minister and Deputy First Minister (OFMDFM) has lead responsibility in the NI Executive on gender equality and for developing, implementing and monitoring the Executive's work on gender equality and its strategy. This Gender Equality Strategy (2006-16) sets out an overarching framework for departments, their agencies and other relevant statutory authorities to promote gender equality. It provides a particular focus and brings a high priority to action tackling gender inequalities and promoting gender equality. The strategy provides a framework of objectives to direct action by decision-makers and policy-makers in government.

The strategy and its supporting action plans bring together what government is doing here to promote gender equality and enable government to demonstrate how it is meeting its international commitments under the Beijing Platform for Action and the United Nations Convention for the Elimination of All Forms of Discrimination against Women (CEDAW).

OFMDFM, as the central department in the NI Executive, also has responsibility for reporting to the Minister for Women and Equalities who, through the Government Equalities Office (GEO), has responsibility for reporting to the UN on implementation of CEDAW and other treaties and international human rights commitments. It does this through liaising with and co-ordinating the reports of the work of, the other eleven departments here.

Clearly, many matters relating to CEDAW implementation, and matters of concern to the Committee such as abortion, relate to the functions of a number of departments here.

Currently, the main focus on work relating to abortion relates to work being completed by the Department of Justice and this is reflected in the information contained in this report.

### **Work being completed in NI**

The current law on abortion in Northern Ireland makes it an offence for a woman to have an unlawful abortion, or for any other person to carry out an unlawful abortion. It is also unlawful to procure any drugs or instruments for use in an abortion. However, it is case law regarding the interpretation by the courts of this legislation which has created the current framework for abortions here. In summary, the courts have decreed that it is lawful to perform an operation here for the termination of a pregnancy, where it is necessary to preserve the life of a woman, or where there is a risk of real and serious adverse effect on her physical or mental health, which is either long term or permanent. In other circumstances, it would be unlawful to perform such an operation.

On 5 December 2013 the Justice Minister confirmed that his Department would prepare a consultation document on changing the law on abortion which he would intend to publish in 2014. The Minister said that there were clearly some very difficult cases in Northern Ireland which are not covered by the law as it applies here.

The Minister of Justice published a consultation paper on 8 October 2014 on the criminal law on abortion in cases of lethal foetal abnormality and sexual crime.

- The paper presents proposals to adjust the law to enable women to choose to have a pregnancy terminated in the event of a diagnosis of lethal abnormality of the foetus.
- The paper makes a recommendation to legislate to allow for lawful termination of pregnancy in cases where a foetal condition has been assessed by medical practitioners as being incompatible with life and a clinical judgment has been made during pregnancy that there will be no medical intervention after birth because no treatment can be offered to improve the chances of survival.
- The paper also recommends that such judgments are taken by two medical practitioners.
- The paper also sets out a discussion about whether or not termination should be an option for women who are pregnant as a result of a sexual crime, including rape or where incest is involved. However, given the complicated and complex issues involved in the area of sexual crime, the paper takes the opportunity to engage in policy development with key stakeholders and others, primarily to seek and hear views on how these very difficult areas might be developed, rather than recommending a proposal for a specific change to the law at this stage.
- Finally, the paper also recommends that a provision on a right of conscientious objection should be considered for any legislative proposals arising from the consultation. (If a change to the law is made here to provide for terminations in non-life threatening circumstances, that is, where the foetus cannot survive birth, or to end pregnancy in cases of criminal sexual abuse, there is a need to consider whether a right of conscientious objection should apply specifically in these circumstances.)

### **The way forward**

The public consultation period will run until 17 January 2015. This will be followed, as soon as possible, by publication of a summary of responses and a policy response. It is important to note that any resulting legislative proposals will have to be agreed by the Northern Ireland Executive before they are presented to the Northern Ireland Assembly and begin the legislative process by Assembly Bill.