

Severe Fetal Impairment Abortion (Amendment) Bill Submission by Northern Ireland Women's European Platform to the Health Committee

May 2021

Introduction

Northern Ireland Women's European Platform (NIWEP) welcomes the opportunity to contribute to the scrutiny process for this Bill.

NIWEP is a membership organisation of women's NGOs in Northern Ireland. Established as the Northern Ireland link to the European Women's Lobby, the EU's expert body on women's rights and gender equality, NIWEP also has special consultative status with the UN. NIWEP works to represent and amplify the voice of women in Northern Ireland at the national and international level, and also coordinates the civil society response to international human rights treaties and mechanisms, in particular Convention on the Elimination of All Forms of Discrimination against Women and UN Security Council Resolution 1325

NIWEP views implementing the recommendations of CEDAW as a clear roadmap and mechanism to ensuring women's human rights are fully met and upheld in Northern Ireland, and was among organisations instrumental in securing the Inquiry into abortion legislation in Northern Ireland under the Optional Protocol to CEDAW, originally instigated in 2010. The comments in this submission are made within this context.

Endorsement

NIWEP endorses the responses of Alliance for Choice and the Women's Policy Group to this consultation.

Summary

NIWEP is concerned that this legislation is being introduced, as it further delays implementation of the Abortion Regulations (Northern Ireland) 2020¹, as well as implementation of the recommendations of the CEDAW Committee from the Inquiry into abortion legislation in Northern Ireland under Article 8 of the Optional Protocol to CEDAW.² NIWEP urges for implementation of the existing regulations without delay, including the Abortion (Northern Ireland) Regulations 2021 laid at Westminster in March 2021.³ This is critical to ensure the human rights of all women and girls in Northern Ireland are upheld.

¹ [Abortion \(Northern Ireland\) Regulations 2020](#)

² CEDAW Committee (2018) [Inquiry into abortion legislation in Northern Ireland under Article 8 of the Optional Protocol to CEDAW](#)

³ [The Abortion \(Northern Ireland\) Regulations 2021](#)

International obligations and reproductive health and rights

NIWEP would draw attention to the obligations of the UK, including Northern Ireland, in international law to recognise reproductive rights a specific human rights issue. As a State Party to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the UK is required to take action to ensure all women and girls can enjoy their full human rights, which under the Convention includes access to full sexual and reproductive rights and services.⁴ The CEDAW Committee has clearly stated that the situation with regard to abortion legislation in Northern Ireland prior to 2019 constitutes a grave breach of women's human rights, and has made a total of 13 recommendations to redress the situation, including ensuring access to a full suite of reproductive services, include safe and legal abortion⁵. This was repeated, with emphasis, in the Concluding Observations from the examination of the UK under CEDAW in 2019, which include a recommendation that all recommendations made under the Inquiry are implemented without delay.⁶

The UK has further emphasised its commitment to full sexual and reproductive rights in the Agreed Conclusions of the recently concluded CSW 65 conference⁷, and in its commitment to the UN Generation Equality Forum initiative⁸, which includes a new global Action Coalition on Bodily Autonomy and Sexual and Reproductive Rights. It should be emphasised that in its statement at the closing of CSW65, the UK stressed that action on the commitments made in the Agreed Conclusions also is required 'at home'⁹.

It is essential to note that the Committee on the UN Convention on the Rights of People with Disabilities (CRPD), with the CEDAW Committee, has emphasised that using disability rights as an argument to oppose safe abortion is a misinterpretation of the Convention on the Rights of Persons with Disabilities¹⁰. The statement stresses that disability rights and gender equality are two components of the same human rights standard that should not be construed as conflicting, and clarifies that States must take effective measures to enable women, including women with disabilities, to make autonomous decisions about their sexual and reproductive health and ensure that women have access to evidence-based and unbiased information in this regard. It also underlines as a critical issue that all women, including women with disabilities, are protected against forced abortion, contraception or sterilisation against their will or without their informed consent.

Specifically, the comment states that 'States parties should fulfill their obligations under articles 5 and 8 of CEDAW and CRPD Conventions respectively by addressing the root

⁴ [Convention on the Elimination of All Forms of Discrimination against Women](#) (CEDAW, 1979), article 12. The UK signed the Convention in 1981 and ratified in 1986.

⁵ CEDAW Committee (2018) [Inquiry into abortion legislation in Northern Ireland under Article 8 of the Optional Protocol to CEDAW](#)

⁶ [Concluding Observations](#) 2019, 2013, 2008 on examinations of the UK under CEDAW

⁷ See UN Women press release 26 March 2021: '[UN's largest gathering on women's rights delivers robust blueprint on strengthening women's leadership and participation in public life](#)',

⁸ Generation Equality Forum blueprint for [Compact on women, peace and security and humanitarian action](#)

⁹ See UK statement to the closing ceremony of CSW65 in [a video recording by UN WebTV](#); the UK statement begins at 0'22"00 of the recording.

¹⁰ CEDAW and CRPD Committees (August 2018). '[Guaranteeing sexual and reproductive health and rights for all women, in particular women with disabilities](#)': Joint statement by the Committee on the Rights of Persons with Disabilities (CRPD) and the Committee on the Elimination of All Forms of Discrimination against Women (CEDAW)

causes of discrimination against women and persons with disabilities. This includes challenging discriminatory attitudes and fostering respect for the rights and dignity of persons with disabilities, in particular women with disabilities, as well as providing support to parents of children with disabilities in this regard. Health policies and abortion laws that perpetuate deep-rooted stereotypes and stigma undermine women's reproductive autonomy and choice, and they should be repealed because they are discriminatory'.

Conclusion

In light of the above human rights positions, based on international human rights standards, NIWEP believes that the urgent priority is to implement the existing abortion regulations, in order to secure the human rights of all women and girls in Northern Ireland. NIWEP acknowledges the concern regarding disability rights, but believes that the rights of people with disabilities are best secured through full sexual and reproductive health services, which are fully accessible to all, along with significantly strengthened awareness, education and dialogue on healthy relationships and sexuality. This includes mandatory, age appropriate relationship and sexuality education in schools, as part of a strong human rights element in the Northern Ireland curriculum, which is critical for fostering, promoting and supporting inclusive attitudes and norms. A recommendation to this effect is included in the CEDAW Inquiry report, and NIWEP is keen to see urgent implementation of this recommendation, which has seen no progress whatsoever since the report was published in 2018.