



Andrews, Clare  
(2017) *Abortion in Northern  
Ireland: the political barriers to  
abortion law reform.* [MSc]

<http://endeavour.gla.ac.uk/213/>

Copyright and moral rights for this work are retained by the author(s)

A copy can be downloaded for personal non-commercial research or study, without prior permission or charge

This work cannot be reproduced or quoted extensively from without first obtaining permission in writing from the author(s)

The content must not be changed in any way or sold commercially in any format or medium without the formal permission of the author

When referring to this work, full bibliographic details including the author, title, institution and date must be given



**University  
of Glasgow**

**School of Social and Political Sciences**

**Abortion in Northern Ireland:  
The political barriers to abortion law reform**

**September 2017**

**106572**

**Presented in partial fulfilment of the requirements for the  
Degree of  
M.Sc. in Human Rights & International Politics**

**Word Count: 15,199**

# Contents

Acknowledgements.....	ii
Abstract.....	iii
Introduction.....	1
Abortion in Northern Ireland.....	4
Abortion & Human Rights.....	11
- ‘Right’ to choose?.....	11
- Women’s rights in Northern Ireland.....	13
Methodology.....	18
- Data Collection.....	19
- Data Analysis.....	21
- Overview of Participants.....	22
Political Barriers to Abortion Law Reform.....	23
- Has public opinion shifted?.....	23
- Who still opposes reform?.....	25
- Disproportionate leverage.....	27
- A battle on all fronts.....	29
- Tribal voting.....	31
- No room for other voices.....	33
- Abdicating responsibility.....	35
Conclusion.....	38
Bibliography.....	41
Appendices.....	47

## **Acknowledgements**

I would firstly like to thank everyone who participated in my research, for taking the time to share their invaluable experiences and knowledge. Their dedication to the pro-choice movement will eventually result in women in NI having equal access to all reproductive healthcare. I would also like to thank my dissertation supervisor Dr. Vikki Turbine for her academic guidance throughout this process. Lastly, thanks to my mum, Maggie, for being patient and supportive.

## **Abstract**

This study examines the political barriers to abortion law reform in Northern Ireland (NI) and the reasons why there remains a stark discord between public and political opinion on the issue. NI is the only part of the UK with extremely restrictive abortion laws, and despite public opinion polls indicating that a majority of the population are in favour of reform, the Stormont Assembly has continually resisted any change in the law. Qualitative data was obtained through semi-structured interviews with individuals and organisations engaged in pushing for reform in both professional and activist capacities. Data indicated that despite a broader shift in public opinion, a vocal minority of anti-choice groups and individuals continue to disproportionately impact the debate, with significant support and power in Stormont as well as other legislative and judicial roles. Pro-choice groups face an uphill battle in gaining a voice in these positions of power, and have been additionally let down by Westminster as it continues to value the devolved administration over women's rights in NI. The increasing support for reform needs to be reflected in policymaking on abortion. Women in NI are entitled to free, safe and legal abortions: it is a basic human right.





## Introduction

Northern Ireland (NI) remains the only part of the UK with extremely restrictive abortion laws; abortions are only legally permitted in NI where a woman's life is at risk or there is a permanent or serious risk to her mental or physical health. Instances of sexual crime (rape and incest) and fatal foetal abnormality (FFA) are not legal reasons for accessing abortion services in NI, and in February 2016 the NI Assembly voted against reforming the law in these cases. The law as it stands carries one of the harshest criminal penalties for abortion in Europe, with both the woman and anyone assisting her threatened with life imprisonment. Despite both the presence of a long-standing feminist and pro-choice movement in NI, and a recent shift in public opinion on the issue of abortion, the NI Assembly has continually resisted any change in the law. This dissertation seeks to understand the political barriers to abortion law reform in NI and the reasons why there remains a stark discord between public and political opinion on the issue.

In the UK, 1 in 3 women will have an abortion before they are 45 (Abortion Rights, 2017). The ability to access abortion services is considered fundamental to women's autonomy: restricting access removes the ability for women to choose what to do with their own bodies and lives. Restrictive abortion laws can impact negatively on women and girls' right to life, health, education, freedom from torture and discrimination, and the right to family and private life. Concepts of bodily integrity and sexual self-determination have a long history, yet the term 'reproductive rights' only dates back to the 1970s (Browner, 2015). It wasn't until 1994 that reproductive rights were formally recognised as a subset of human rights at the United Nations International Conference on Population and Development (ICPD). They were defined as "the basic right of all couples and individuals to decide freely and responsibly the number, spacing and timing of their children and to have the information and means to do so, and the right to attain the highest standard of sexual and reproductive health. It also includes their right to make decisions concerning reproduction, free from discrimination, coercion and violence" (UNFPA, 1994: 46).

The ICPD reflected a consensus between states over the importance of reproductive rights, however, despite this, access to abortion services remains highly contested and differs in every country. The abortion debate is often framed between pro-choice and 'pro-life'



groups, yet this accommodates false equivalences, with the more appropriate terminology being pro-choice and anti-choice. The pro-choice lobby argue that it is a woman's right to choose whether to continue a pregnancy or not and that women are best placed to make this decision for themselves, invoking arguments of women's rights and autonomy. The anti-choice lobby takes a deeply moral and religious perspective, often arguing for foetal personhood (Sanger, 2016) and prioritising the rights of the foetus over the rights of the woman (Zampas and Gher, 2008).

Despite this ongoing debate, treaty bodies such as the Convention for the Elimination of Discrimination Against Women (CEDAW), the Convention on the Rights of the Child (CRC), the Human Rights Committee (HRC), International Committee on Economic, Social and Cultural Rights (ICESCR) and the Convention Against Torture (CAT) are increasingly recognising the right of women and girls to access abortion services in certain circumstances (United Nations, 2014). The consensus amongst these bodies is that access to abortion services should be allowed if the woman's life, physical or mental health is in danger, in cases of sexual crime, FFA and severe foetal impairment, and they increasingly condemn the criminalisation of women for accessing abortions services (Zampas and Gher, 2008). While this is undoubtedly a progressive step, it continues to fail the overwhelming majority of women and girls across the globe who seek abortions predominantly for socioeconomic reasons or to limit the number of children they have (Chae *et al.*, 2017). The failure to acknowledge a woman's right to choose risks creating a hierarchy of abortion access and reinforces the tendency to judge women and doubt their ability to make decisions concerning their own body and life.

NI provides an interesting case study for abortion access as it operates counter to the assumption that western democratic nations would have liberal abortion laws. It is one of the only countries in the global north where access to abortion is highly restricted (Centre for Reproductive Rights, 2017). However, even where liberal laws do exist, hard-won rights such as reproductive rights are still threatened by anti-choice lobbies and morally conservative politicians- recent events in other western democratic nations have highlighted this. In the USA, after the election of Donald Trump, a wave of right-wing conservatism has led to regressive laws being introduced in several states; notably in Arkansas, where women now need the permission of the man who impregnated them before they can have an abortion (Forster, 2017) and in Texas where a ban was ordered on

the most common method of second-trimester abortion (Herskovitz, 2017). In contrast, there have been progressive advancements in traditionally conservative Latin America countries; in August 2017 Chile's constitutional court legalised abortion in certain circumstances, ending the country's total ban on the procedure (Al Jazeera, 2017), and pressure is mounting on the government in El Salvador to overturn its absolute ban due to shift in public opinion and lobbying from reproductive rights groups (Redden and Lakhani, 2017). Set against this backdrop, a study of the political barriers to abortion reform in NI can provide insights into how women's reproductive rights are infringed in Western liberal democracies, and inform pro-choice lobbies' understanding of how these challenges may be overcome.

In NI, the dominance of anti-choice rhetoric and prevalence of morally conservative and patriarchal attitudes towards women's rights in the political sphere has inhibited any recent attempts at reforming the law. The failure of the pro-choice lobby to gain significant political traction can also be attributed to unique nature of NI politics, which remains focused on nationalist and unionist opposition and an apparent lack of equality: sidelining the discussion of any other issues falling outside of this dichotomy. By conducting qualitative interviews with individuals and organisations actively involved in pushing for legal reform through a range of channels including healthcare, law, politics and activism, this dissertation will contribute to an issue of ongoing significance, and more broadly show how women's rights, in particular reproductive rights, are still being disregarded within a region of the UK.

The dissertation will proceed as follows: an initial context-setting that explains the law around abortion in NI and the UK and recent events that have changed the terms of the debate. This will be followed by a literature review that focuses on the academic debate on where abortion fits within the broader human rights discourse and, additionally, literature exploring why NI remains a 'legal anomaly' in the UK. The methodological approach will then be set out, before the analysis and discussion of the main interview findings and a final conclusion.

## **Abortion in Northern Ireland**

Abortion legislation in NI remains highly restrictive, only permitting access to abortion services where the life and physical or mental health of the woman is at risk. The legal basis for this remains founded on the 1861 Offences Against the Person Act which criminalises any woman who attempts ‘to procure her own miscarriage’ and anyone considered to be assisting her: both carrying maximum sentences of ‘penal servitude for life’ (Section 58 and 59). This constitutes the harshest criminal penalty for unlawful abortion in Europe (Amnesty International, 2015: 6) disregarding the life or health of the woman. The legal position was mitigated by the 1945 Criminal Justice Act (Northern Ireland), which made accommodations for abortion when the life of the woman was at risk, and the 1939 Bourne Judgement, which allows for doctors in ‘good faith’ to carry out abortions in instances where a continuation of pregnancy “creates a grave risk that the woman will become a mental or physical wreck” (R v. Bourne, 1939). The ambiguous language of “grave risk” and “mental or physical wreck” combined with the threat of prosecution means very few abortions are carried out in NI, with only 16 in hospitals in 2015/2016 (NI Dept. of Health, 2017).

Women and girls living in the rest of the UK are subject to considerably fewer restrictions in accessing abortion services due to the introduction of the 1967 Abortion Act (1967 Act). This made abortion legal, subject to the approval of two doctors, and laid out the predetermined criteria a pregnant woman must meet. Although, the 1967 Act does not grant women ‘the right to end unwanted pregnancy’, it is generally interpreted liberally by doctors (British Pregnancy Advisory Service, 2013: 4). However, in March 2017 a majority of MPs voted in favour of Labour MP Diana Johnson’s proposal to amend the 1967 Act in order to decriminalise abortion (Boseley, 2017). Although an official bill is yet to be brought forward, the initial vote illustrates that many politicians believe the 1967 Act is in many ways outdated and needs reformed. The growing availability and usage of abortion pills purchased illegally online has undermined the current law and has brought renewed focus on the issue of criminalisation.

Whilst England and Wales are looking towards the decriminalisation of abortion, the situation facing women in NI has been largely ignored by central government. NI was very

much ‘neglected’ in the course of the 1967 Act and despite subsequent periods of direct rule it has never been extended, with repeated reference made to “differing public sentiment around the issue in the province” (Thomson, 2016: 378). There has been limited political will from central government to align NI legislation with the rest of the UK, with successive British governments viewing it as a devolved issue rather than a fundamental question of women’s rights (Thomson, 2016). It has also arguably been an issue that has been put on the ‘back burner’ as it has been contentious with NI’s majority party the Democratic Unionist Party (DUP) whose support has been needed by the UK government to broker the various peace agreements since 1998 and who are currently supporting a minority Conservative government. This recent development has worried pro-choice activists in NI because of what it might mean for abortion law reform. It is important to note that the Republic of Ireland also has an extremely restrictive abortion law, leading to the island of Ireland, with its traditional association with religion, being viewed as unique in its attitudes towards abortion (Bloomer and O’Dowd, 2014).

NI has always had a different political landscape to the rest of the UK, with the main political parties aligning along unionist/Protestant or nationalist/Catholic lines rather than along socially liberal or conservative lines as elsewhere in the UK. The constitutional question has dominated the debate with the unionist/Protestant majority wishing to remain part of the UK, while many within the nationalist/Catholic population would prefer to be part of a ‘reunited Ireland’. The balance of population is changing, as illustrated by the recent assembly elections, and the fear among unionists of losing control totally dominates their political dialogue and priorities. The DUP is the largest unionist party in NI and has been in a power-sharing arrangement with the second largest party, and largest nationalist party, Sinn Fein since 2006. At the time of writing, the power-sharing Assembly has collapsed, resulting in an absence of an executive and legislature in the province which has significant implications for the potential to progress policy. The unique institutional set-up of the devolved NI Assembly (Stormont) is a result of the 1998 Good Friday Agreement (GFA) which laid out specific institutional features that were to ensure equality between both nationalist and unionist communities. This was an attempt to reassure both sides of the political divide that having a simple majority would not be enough to deliver change on important issues such as the constitutional arrangements. It was part of the broader ‘peace process’ that brought to an end a 30 year long civil conflict between the two communities.

The power-sharing Executive relies on a legislative tool- a petition of concern, effectively a veto power that ensures that any proposal brought before the Executive can only be carried with the support of a majority of both the designated<sup>1</sup> nationalist and unionist members rather than a straight head count, to avoid either community “running roughshod” over the other. Before the elections in March 2017, the DUP was the only party in a position to trigger a petition of concern as it had more than the 30 members needed to do so. This situation has now changed as the size of the Assembly was reduced and they now only have 28 seats (Belfast Telegraph Digital, 2017a). However, the petition of concern is frequently ‘abused’ with the DUP using it 5 times to block a vote on marriage equality (BBC, 2015a) thus illustrating how it can be used to limit progressive politics.

The nature of the formation of the NI Assembly with these ‘built in’ safeguards reflects the manner in which political discourse in NI is dominated by the constitutional question and is characterised by very divisive politics along nationalist and unionist lines. It is ironic that the issue of abortion uncharacteristically unites both sides of the divide; the unionist and largely Protestant DUP, the minority party Traditional Unionist Voice (TUV) and the nationalist and largely Catholic Social Democratic and Labour Party (SDLP) are all vehemently opposed to any kind of abortion law reform. Sinn Fein dropped its historic opposition to abortion in 2015, and the party now supports reform in cases of sexual crime and FFA. The second largest unionist party the Ulster Unionist Party (UUP) and the ‘cross-community’<sup>2</sup> Alliance Party, both allow their members a free vote on the issue, treating it as an issue of conscience. The only outspoken pro-choice parties with elected representatives in Stormont are the Green Party and People Before Profit which only have 3 seats between them.

The religious association of the parties, and of the public more generally, has had profound implications for how abortion has been debated. In 2000, DUP MLA (Member of

---

<sup>1</sup> The ‘designation process’ requires MLAs to designate as ‘unionist’ or ‘nationalist’ after getting elected to the Assembly, this is to enable cross-community (see below) voting. MLAs who do not wish to designate as ‘unionist’ or ‘nationalist’ have a third option of designating as ‘other’, however, this brings reduced voting rights when only cross-community support is counted.

<sup>2</sup> ‘Cross community’, in the context of a political party, means that they do not designate as ‘unionist’ or ‘nationalist’ but are designated as ‘other’. Often a vote requires ‘cross community support’ which means the vote needs an equal amount of support from MLAs who designate as ‘unionist’ and ‘nationalist’, MLAs who are designated as ‘other’ vote is not counted.

Legislative Assembly) Jim Wells put forward a motion opposing the extension of the 1967 Act despite no such attempts at extension being voiced by Westminster or Stormont (Thomson, 2016). The motion passed, illustrating the strong “anti-abortion sentiment” from the majority of the Assembly and the perceived necessity of making this very clear to Westminster (Thomson, 2016: 376). This was also a strong message to the pro-choice lobby that it would face an uphill struggle to effect legislative change through the Assembly. Jim Wells remains one of the most vocal opponents of abortion rights and marriage equality within the DUP.

More recently, in February 2016, the Assembly rejected proposals brought forward by two Alliance Party MLAs to legally allow abortions in cases of FFA (59 votes to 40) and sexual crime (64 votes to 30) (BBC, 2016). The proposal for reform in cases of FFA was brought forward by the then Justice Minister David Ford. The case of Sarah Ewart had galvanised public opinion on abortion in cases of FFA and put new pressure on politicians to deal more humanely with the issue. Sarah had spoken publicly on a popular local television programme about having to travel to England to access abortion services after being given a foetal diagnosis of anencephaly. She was told the condition meant her baby would not survive outside the womb but was denied an abortion in NI and thus had to pay £2,100 to travel for the service (Gentlemen, 2016). The move by the DUP in February 2016 to establish a commission to examine the issue of abortion in cases of FFA, has been perceived to be a mechanism to delay decision-making until after elections, with the leader of the UUP Mike Nesbitt accusing the DUP of political machinations (BBC, 2016).

Despite this very strident opposition to any change in the law within some key Assembly parties, public opinion on abortion in NI is shifting. Recent polls, including the 2017 NI Life and Times Survey, indicate that a majority of 81% believe abortion should be legal in cases of FFA and 78% believe abortion should be legal in cases of sexual crime (Gray, 2017). This, along with activism from organisations such as Alliance for Choice, several high-profile court cases and media attention, is increasing the pressure on politicians in Stormont to rethink their stance on abortion by highlighting the impact the law is having on women. Two very recent cases in particular received a great deal of media focus and stimulated widespread debate. In April 2016, a 21 year old woman in Belfast was given a suspended prison sentence for “procuring her own abortion by using a poison and of supplying a poison with intent to procure a miscarriage” after being reported to the police

by her housemates (McDonald, 2016). In a second case, a mother faces two charges and a maximum sentence of 10 years in prison for procuring abortion pills for her 15 year old daughter, after telling a doctor who then reported her to the police (Gentlemen, 2017). In January 2017, the mother won the right to contest the decision to prosecute her after a Belfast judge granted the case judicial review on the basis that it raised “issues of considerable public importance and public debate” (Gentlemen, 2017).

There is an increased risk of prosecution for the use of abortion pills in NI due to the 1967 Criminal Law (Northern Ireland) Act, legislation which is again unique to NI and imposes an obligation on any citizen to report a crime if they are aware or suspect a criminal act has taken place (Chapter 18, Section 5). This added risk of prosecution pushes the use of abortion pills underground as women are afraid to seek medical guidance or counselling after taking the pills thus opening themselves to potential health repercussions. Dealing with women facing an unplanned or crisis pregnancy will always be difficult for health professionals in NI but their dilemma is exacerbated by the continuing lack of clarity on the extent to which they can intervene. This has been another key strand of the debate and is perfectly illustrated by the Health Department’s current Guidelines for Health and Social Care Professionals on Termination of Pregnancy (Guidelines) which take a “don’t ask, don’t tell” approach to abortion pills.

The process of getting the Guidelines published also illustrates the highly inhospitable political context to progressive movement on abortion (Thomson, 2016). As far back as 2001, The Family Planning Association NI (FPA) launched a legal challenge claiming a lack of guidelines meant that the Health Department “was failing in its statutory duty to ensure equal access to reproductive health care in Northern Ireland” (Bloomer and Fegan, 2013: 111). Several draft guidelines were rejected by anti-choice groups and the Assembly. In 2007 a motion was brought forward by DUP MLA Iris Robinson which stated that the Guidelines were “flawed” and “an attempt to make abortion more widely available in NI” and was supported by the DUP, Sinn Fein and SDLP (Horgan and O’Connor, 2014: 43). In 2009, the Guidelines were subject to judicial review and anti-choice group the Society for the Protection of the Unborn Child (SPUC) were granted leave to intervene in support of the Health Department. Only the anti-choice side of the debate was represented as no women’s rights organisations, pro-choice groups or medical associations were present, an illustration of how public opinion on the matter is perceived by the judiciary. In 2013, draft

Guidelines produced by then DUP Health Minister Edwin Poots were widely condemned by human rights, pro-choice and healthcare organisations as being very punitive in tone and for using emotive language, referring to ‘respect for the mother and the unborn child’ (Alliance for Choice, 2013; Amnesty International UK, 2013; Royal College of Midwives, 2013). After 12 years, a final version was released in 2016 which was seen as an improvement on the previous attempts and which used the more appropriate and the less emotive language of ‘the woman and foetus’.

Significant to the abortion issue in NI is the number of women who travel to mainland Britain to access abortion services. The Stormont government turns a blind eye to this, suggesting it only matters where and not whether you have an abortion. In 2016, 724 women from NI are recorded as having had an abortion in England and Wales (Dpt. of Health, 2016), although the number is likely to be higher as many women do not give NI as their home address. Having to travel to access these services is a huge obstacle for many women in NI who may be in controlling and abusive relationships, feel they have to lie to family and friends, have caring responsibilities, have a disability, are in poor health, have visa restrictions, work commitments or do not have enough money. Women living in NI have always had to pay to access abortion services in the rest of the UK, posing a significant barrier for those cannot afford the costs of between £400- £2000 (Gentlemen, 2017). This is undoubtedly an added burden for women who are already facing a difficult experience. There has been a flurry of activity around this issue recently. In June 2017, the Supreme Court narrowly upheld the decision that women from NI were not legally entitled to free abortions on the NHS in England. Ann Furedi Chief Executive of the British Pregnancy Advisory Service (BPAS) stated, “this ruling confirms it is in Jeremy Hunt’s power to grant NHS funded abortion care to women resident in Northern Ireland and his refusal to do so is political. It is not based on cost” (Belfast Telegraph Digital, 2017b). The Dept. of Health defended their decision to not fund abortion services for NI women as it would “undermine Stormont” (Elgot and McDonald, 2017). However, this stance was quickly reversed when less than two weeks later an amendment with the same aim was tabled to the Queen’s Speech by Labour MP Stella Creasy. In order to avoid a Conservative rebellion, the government subsequently agreed to fund abortions for NI women on the NHS, a decision that was followed by pledges to follow suit from the Welsh and Scottish Assemblies, and Marie Stopes International. However, after briefly waiving fees, the Marie Stopes Belfast clinic has now resumed charging patients after the British



government said it would not provide funding (Belfast Telegraph Digital, 2017c). This series of events illustrates the uncertainty that exists around current policy and exemplifies how women from NI continue to be discriminated against in access to abortion services.

Meanwhile, an attempt to change the law has been progressed via the NI Human Rights Commission (NIHRC). In 2015, the Belfast High Court ruled in favour of the NIHRC stating that the current law was incompatible with human rights. Justice Horner ruled a declaration of incompatibility, in relation to European Convention on Human Rights (ECHR) Article 8- the right to family and private life, in cases of FFA and sexual crime based on a woman's right to autonomy (BBC, 2015b). However, the decision was appealed by the NI Justice Department and the Attorney General. The Appeal case, which was heard in June 2017, found largely in favour of the Justice Department and the Attorney General, with 2 of the 3 judges claiming the law was not incompatible with human rights and passing responsibility back to the Stormont Assembly, claiming that Judges should not decide on matters which are so contested (McDonald, 2017). At the time, Breedagh Hughes, the regional Director of the Royal College of Midwives stated it was, "the most blatant example of judicial buck-passing I have ever seen...It's ironic that this issue has been kicked back to our non-existent assembly to legislate on it" (McDonald, 2017). However, this legal case is not over yet as the NIHRC were granted leave to take the matter to the Supreme Court, indicating that the Judges considered the case important enough to be considered at another level. It is due to be heard at the end of October 2017 and has broader implications for the role of Westminster in ensuring that laws devolved to NI are compatible with human rights.

## **Abortion and Human Rights**

This dissertation contributes to several ongoing bodies of research. In the first section, this research contributes to the academic debate on where abortion rights and reproductive rights are situated within the broader human rights discourse. It also contributes to a growing body of research that explores why NI remains a ‘legal anomaly’ in the UK with regards to abortion law, in the context of moral conservatism and women’s citizenship. These fields of research are particularly complex and evolving; this literature review seeks to unpack some of this debate and identify the theoretical framework informing this dissertation.

### **‘Right’ to choose?**

The term ‘reproductive rights’ dates back to the 1970s when women’s movements, predominantly in the USA, utilised the term to demand the reform or repeal of laws that criminalised abortion (Browner, 2015). Yet it wasn’t until 1994, at the UN ICPD, that reproductive rights were recognised as a subset of human rights in its Programme of Action document. The ICPD made it clear that reproductive rights were not ‘new’ rights but were inherently linked to human rights already recognised in national laws and international treaties (United Nations, 2014). Despite not being legally binding, scholars such as Rebouche (2016) and Zampas and Gher (2008) claim that the Programme of Action document was pivotal for our understanding of reproductive rights and represented “a political commitment of states to improve women’s reproductive health and to protect women’s reproductive choices” (Rebouche, 2016: 767). However, it failed to acknowledge abortion rights within its framework; as a document created by states it was subject to bargaining between morally conservative political attitudes and women’s rights organisations, which generated a limited approach to abortion rights (Rebouche, 2016). The ICPD fell short of calling for abortion liberalisation or pressing states to legalise abortion, but rather stressed safe health services in states where abortion was legal (Rebouche, 2016).

Since the ICPD, international treaty bodies such as CEDAW, CRC, HRC, CESCR and CAT have made explicit statements regarding reproductive rights, specifically women's abortion rights. They affirm the state's obligation to ensure access to safe and legal abortion services in certain circumstances: if the woman's life, physical or mental health is in danger, in cases of sexual crime, FFA and severe foetal impairment (Zampas and Gher, 2008). The grounds for termination recognised by these human rights instruments are based on the following principles: the right to life; the right to the highest attainable standard of health; the right to bodily integrity; right to be free from torture (Rebouche, 2016); right to freedom; right to a family and private life; and the right to non-discrimination (Zampas and Gher, 2008). Yet despite such progress in the formal recognition of abortion and reproductive rights as human rights, women still face considerable constraints on access to abortion services as it differs from country to country (Chesney-Lind and Hadi, 2017). In countries such as NI the law is very restrictive; yet even in countries with laws that allow for abortions in the 'limited circumstances' articulated by international human rights instruments, they do not capture the lived experiences of the majority of women as they fail to recognise the main reasons why women choose have abortions (Mullaly and Murray, 2016; Rebouche, 2016). The majority of women seeking abortions do so for socioeconomic reasons or to limit childbearing (Chae *et al.*, 2017), not because of 'extreme' circumstances or medical necessity.

The framing of abortion rights only in cases of medical necessity, risks "reinforcing a hierarchy of abortion, categorising some women as deserving" and others as not (Fegan and Rebouche, 2003: 234). For example, a woman who becomes pregnant as a result of sexual crime is categorised as more deserving of an abortion than a woman with an unplanned pregnancy who simply cannot afford to have another child. Framing abortion as a 'medical necessity' rests on the presumption that a woman doesn't have a choice in the matter (David Skinner, 2012: 13). This exacerbates the perception that abortion services should only be made available for women in the most extreme of circumstances, and that women do not have the right to choose whether to continue a pregnancy or not. The continued focus on medical necessity by human rights instruments and the concurrent failure to recognise the complex set of circumstances women face when seeking abortion services, questions the utility of human rights law and discourse to expand abortion rights or reproductive autonomy for women (Mullaly and Murray, 2016).

However, human rights language is used by pro-choice and women's organisations through their articulation of a woman's 'right' to choose whether to continue a pregnancy or not. Taking a pro-choice stance recognises that every woman is entitled to have a choice and should have access to information to ensure she is equipped to make the best decision for her. An example of this is Alliance for Choice's 'Trust Women' campaign in NI, emphasising that women should be trusted to make decisions regarding their own bodies. David Skinner states that this radical reframing of abortion rights through the politicised rights discourse of bodily control, freedom and choice, allows the potential for women to be able to "attain and defend enduring access to safe, legal abortions" (2012: 22). Although there has been no formal recognition of a 'right' to choose in any international or regional treaty, the right to 'voluntary motherhood' and therefore the right to access abortion services, is arguably linked to rights such as the right to life, health, equality, privacy, conscience and opinion (Zampas and Gher, 2008: 287). Consequently, the treaties safeguarding these rights can be utilised when arguing for a woman's right to choose (Zampas and Gher, 2008). This can provide optimism for pro-choice activists, although the human rights framework has only taken abortion and reproductive rights so far, there is the opportunity for it to go further.

### **Women's rights in Northern Ireland**

Traditionally, Northern Irish society has placed greater significance upon religion than other parts of the UK, and this is reflected in formal politics (Bloomer and O'Dowd, 2014). However, despite a decrease in church attendance and affiliation among the public, morally conservative attitudes are dominant in the main political parties which has inhibited progressive discussion of women's rights including abortion (Thomson, 2017). Politicians often make deeply moral and religious arguments in the Stormont Assembly against women having greater reproductive rights, significantly impacting policy-making. Consequently, pro-choice arguments over women's bodily integrity and autonomy have gained limited political traction. Bloomer and Pierson's study on 'morality policy' which includes issues such as abortion, found that NI presents a classic example of how moral arguments are valued over evidence based policy or law making (2016). When abortion is discussed in Stormont, misinformation about the dangers posed by abortion, such as increasing the risk of breast cancer, is regularly spouted while scientific research is

disputed (Bloomer and Pierson, 2016). NI's elected legislators have repeatedly failed to acknowledge public and professional support for abortion law reform. It is evident that they cannot see past their personal opinions on the issue to acknowledge the complex set of circumstances women find themselves in when faced with an unplanned or crisis pregnancy (Bloomer and O'Dowd, 2014).

Using moral and religious reasons to defend anti-choice views and restrictive abortion laws, arguably masks more "subtly dominant norms and values" about the role of women in society, and puritanical views of reproductivity (Fegan and Rebouche, 2003: 222). Frequently, in Stormont Assembly debates on abortion, women seeking abortions are described as "vulnerable" (Hansard, 2007) and called "mothers" (Hansard, 2000; Hansard, 2007; Hansard, 2013). This presents women as being unable to make decisions regarding their own bodies and stereotypes them into traditional roles. The perpetuation of patriarchal norms and values results in women being viewed as "second class citizens" in these debates, relegated to the outside of decision-making on the issue (Bloomer and O'Dowd, 2014: 367). The underlying pervasive patriarchal assumptions over women's role and identity in N Irish society can be viewed as one of the main barriers to achieving abortion law reform and broader gender equality in NI (Bloomer and O'Dowd, 2014). The abortion issue is indicative of pervasive notions of the degree of control women are allowed to have over their bodies and lives. In an Assembly debate in 2000, in response to Jim Wells' motion to oppose the extension of the 1967 Act, UUP MLA Joan Carson said, "it is ironic that a man, who will never have to go through childbirth or face the personal consequences of unwanted pregnancy, is proposing the motion" (Hansard, 2000). She raises the common concern that it is frequently male politicians and policymakers who dictate on issues solely affecting women. While this is largely true in the political sphere, it is the case that the public face of the anti-choice lobby in NI is predominantly female. It would appear that while patriarchal attitudes can explain the anti-choice attitudes of some politicians, anti-choice views are held by both men and women indicating that it is an issue that is not gender-specific.

Morally conservative attitudes in NI have contributed to a perception of NI 'exceptionalism' in the context of the UK, which has resulted in the current 'legal anomaly' (Thomson, 2016: 372/380). NI is frequently described as 'different' but with no clear explanation about why this should result in such asymmetric abortion legislation (Smyth,

2006: 380). The traditional assumption that the NI public support the current abortion law due to cultural distinctiveness no longer stands, as opinion polls have repeatedly shown that the majority of the public now favour reform (Amnesty International, 2016; Gray, 2017). The initial failure to extend the 1967 Act to NI and the continued silence from Westminster on the issue indicates that public opinion in NI doesn't matter and that women as citizens of NI are not entitled to the same rights as their counterparts in the rest of the UK (Bloomer and O'Dowd, 2014; Smyth, 2006). Thomson states, "abortion in Northern Ireland has become understood first and foremost as a regional, devolved issue, rather than an issue of women's rights, allowing Westminster to abscond judgement around what is deemed a controversial topic" (2016: 372). Despite devolution being used as an excuse by Westminster not to intervene on the abortion issue in NI, abortion was deemed too important to be devolved to Scotland in 1998 when it was depicted as a healthcare issue that needed to be uniformly regulated (Thomson, 2016). When abortion was finally devolved to Scotland in 2016, there was concern, from the Labour party in particular, that this might result in renewed debate over abortion time-limits with the anti-choice lobby in Scotland having more potential to impact debate (Mason, 2015). This illustrates the unequal treatment of devolved administrations by central government and, more importantly, adds weight to the perception that women in NI are treated as second class citizens by Westminster.

Patriarchal politics in NI and the failure of Westminster to acknowledge its responsibility to women in NI raises serious questions over women's citizenship rights in the province. Ruth Lister explains that reproductive rights and citizenship are inherently linked: "without such rights women cannot take control of their bodies or their lives; their agency and hence their citizenship are profoundly compromised" (2003: 126). Issues of women's unequal citizenship have been exacerbated in NI because of the political institutions built as a result of the peace process. Women initially played a key role in the peace process, with the NI Women's Coalition (NIWC) successfully lobbying for the inclusion of the "the right of women to full and equal political participation" in the GFA, arguing it was necessary as women had been living in an "armed patriarchy" during the conflict (Fearon and Rebouche, 2006: 282). Much of the literature explains how there has been a failure on the part of the main political parties to embody this principle of the GFA (Murtagh, 2008; Side, 2009) resulting in unequal political representation of men and women. Despite the NIWC being initially successful, securing two seats in Stormont in the wake of devolution,

they did not manage to maintain the initial optimism of their voters and lost both seats in 2003 (Murtagh, 2008). The failure of NI's first and only women's party to consolidate sufficient support in formal politics is indicative of the hostile political climate to any 'other' kind of politics outside the of the unionist/nationalist divide at the time (Thomson, 2016). The persistence of tribal voting in areas where the electorate was highly polarised, meant parties such as the NIWC, which offered a different narrative, lost out to the more familiar position held by the main parties (Fearon and Rebouche, 2006).

It has consequently been difficult to establish political identities and discuss issues that fall outside of the dominant unionist/nationalist discourse. This remains visible today, as parties such as Alliance, the Greens and People Before Profit continue to be marginalised. The designation process means that politicians and parties that fall outside the dualistic categorisation are "relegated to the periphery in terms of decision making" as their votes often count for less, or not at all, in debates that require cross-community support (Murtagh, 2008: 29). This is recognised as having had a significant impact on the ability to generate movement on women's rights issues; with a continued focus on the constitutional question and the legacy of the conflict "effectively legitimising their political bypass" (Murtagh, 2008: 23). Authors such as Deiana (2013) and Fegan and Rebouche (2003) have gone further and argue that the the new institutional framework and resulting legislative and policy developments have perpetuated gendered exclusions and stereotypes, contributing to women's unequal status. The continued focus on equality between the two communities has hindered the development of a women's equality agenda (Deiana, 2013; Hayes and McAllister, 2013).

Recent elections in Stormont have, however, seen the highest number of female MLAs elected since the GFA, with 30% of the legislature being women (Fenton, 2017). This is on par with the House of Commons but still lags behind its devolved counterparts in Scotland and Wales (Fenton, 2017). Although this does not constitute 'equal representation', it begs the question as to why with a record number of women in politics, there remains limited political space to discuss women's rights in NI. Perhaps this is another reminder of how far down the agenda these issues are.

There is a shared acknowledgement that vocal and diverse grassroots women's activism in NI, throughout the duration of the conflict and continuing today, has found difficulties

gaining a voice and recognition in formal politics (Deiana, 2013; Murtagh, 2008; Thomson, 2016). It seems that until the constant battle between nationalist and unionist to reinterpret the peace agreements is resolved, women's rights will remain a low priority. Therefore, despite slow progress towards a gender balanced Stormont, the voices of women engaged in activism over women's rights issues has remained unrepresented; impacting the ability to facilitate greater discourse of reproductive rights and abortion.



## Methodology

The purpose of this research is to understand why NI remains the only part of the UK with extremely restrictive abortions laws which are continuing to significantly impact women's reproductive rights. The goal was to gain a greater understanding of the main political barriers to abortion law reform in NI and the reasons why there remains a stark discord between public and political opinion on the issue. This was done through semi-structured qualitative interviews conducted with individuals engaged either professionally or in an activist capacity in the push for abortion law reform in NI. As the issue is of ongoing significance, it is hoped that this research can provide greater insight into where the blockages to change are, in order for them to be overcome and to afford equal reproductive rights to women wherever they live in the UK.

As a woman from NI, the issue of abortion law reform has been of great personal interest to me and was what motivated me to undertake this research. Coming from a pro-choice standpoint and feminist perspective, this has undoubtedly influenced the way I have both conducted the research and analysed the data. Letherby states that, "feminist work highlights the fact that the researchers' choice of methods, of research topic, and of study group population are always political acts" (2003: 4). Taking a feminist perspective has directed my research in several ways: by conducting semi-structured qualitative interviews; by choosing to only interview pro-choice or pro-reform individuals and organisations; and the decision to use certain terminology such as anti-choice rather than 'pro-life'.

Firstly, I decided it was most appropriate to take a qualitative research approach to data collection and analysis as the goal of the research was to gather empirical knowledge and gain an insight into the perspectives of individuals actively engaged in pushing for abortion law reform in NI. Qualitative research places a greater focus on the "subjective experiences and meanings of those being researched" and therefore is regarded as more appropriate for feminist research due to the kinds of knowledge it can make available (Maynard and Purvis, 1999: 11). I chose to use semi-structured interview- a method commonly associated with feminist research (Maynard and Purvis, 1999) because it can offer greater flexibility

in asking questions and enables a better base for gaining the interviewee's point of view on a subject (Bryman, 2016).

Secondly, my decision to only interview individuals and organisations who are pro-choice or pro-reform is justified because of the specific research questions I am asking and the kind of knowledge I am seeking. To gain an understanding of the political barriers to abortion law reform, I needed to interview individuals who are actively trying to change the law in a professional or activist capacity, and have direct experience of these barriers. This research is seeking to understand why these voices have been historically marginalised in public and political debate on the issue. Feminist research is particularly interested in seeking the perspective of marginalised voices, particularly in its concern over patriarchal power relations that are often taken for granted (Letherby, 2003). In terms of a 'balanced' dissertation with both pro-choice and anti-choice views, it was inappropriate for the purposes of this research, as the discourse around the abortion debate in NI is often framed in these two dichotomies, even though it is not reflective of wider public opinion that is more nuanced.

Thirdly, the use of the terminology 'anti-choice' was something I was unfamiliar with until I conducted the interviews. The groups I am referring to choose to call themselves 'pro-life' however the term 'pro-life' misrepresents the true goals of these groups as they often prioritise the life of the foetus over the life and health of the mother (Zampas and Gher, 2008) and present pro-choice groups somehow as 'anti-life'. The semantics of language are hugely important in the abortion debate; the term anti-choice was used by everyone interviewed so it was deemed appropriate to use it throughout this research.

### **Data Collection**

Participants were selected on the basis of their knowledge on the subject and participation in the abortion debate in NI. Currently, in NI the push for abortion reform and greater reproductive rights for women is coming from a range of sources; through political and legal channels, healthcare avenues and through societal activism. This dissertation sought to give voice to these various viewpoints. Therefore, the key criteria for interviewees was a professional knowledge of the subject and a belief that the current law in NI needs

reforming. In terms of gender balance, of the 9 participants in 7 separate interviews, only two were male. Women were not intentionally sought out as participants but it is women who are predominantly affected by the highly restrictive abortion law in NI and are often the most vocal in the pro-choice debate; it can therefore be assumed that women are more likely to be involved in a professional capacity. It is important to remember that both men and woman are, and should be, actively engaged in the pro-choice movement.

All interviews were conducted face-to-face, after making initial contact via email. In most cases the interviews took place in the participants' personal or organisational office, although several interviews took place in public spaces as it was a more convenient location for both the participant and myself. All participants gave informed written consent to their involvement and to being named in the study (see Appendix 1), as they are all high profile public figures in the abortion debate in NI. A dictaphone was used to record the interviews with prior written permission (see Appendix 1) from the participants and to allow an accurate transcription of what was said. The interviews were based around a provisional set of six questions (see Appendix 2). However, as the interviews were semi-structured, this allowed for follow-up and diverging questions depending on the individual's specific knowledge and professional experience. For example, only one current politician was interviewed, Clare Bailey. She was able to provide an insight into how the institutional setup in Stormont acts as a barrier to abortion law reform. All participants were able to provide a unique perspective on the abortion debate which made for very interesting and diverse interviews.

There were several limitations encountered during the research stage. Firstly, there was an inevitable limit on the number of in-depth interviews that I could conduct, primarily due to time restrictions but also to avoid having an overwhelming amount of data to analyse. Secondly, the audio file of one of the interviews was not saved properly and therefore could not be transcribed. I was able to use notes written after the interview to help inform my analysis, as the interviewee provided insight into several topics that I was able to explore in other interviews. Thirdly, the subject of abortion in NI has had unprecedented media attention in recent months. The interviews I conducted fell into two groups: the first three took place the week before two major developments in the abortion issue in NI, when the NIHRC lost the Court of Appeal case, and the British government did a U-turn on funding abortions for women from NI on the NHS; the final four interviews took place the

week after this. This meant that some of the data from the first interviews in relation to the Court cases was perhaps less relevant, but was useful in my gaining a greater understanding of the subject.

### **Data Analysis**

Each interview was manually transcribed, verbatim, shortly after each interview was conducted. This allowed for initial themes to emerge as the data collection process was ongoing. Once all the interviews were conducted they were then manually coded into several broad themes: impact of the law, women's rights, policy/legal barriers, political barriers, anti-choice groups. After the initial themes emerged, the data was coded a second time into more focused themes such as: anti-choice protestors, anti-choice language in Stormont, anti-choice links to positions of power, 'women's stories', impact of law on healthcare practitioners, guidelines for healthcare practitioners, court cases. This method of coding can be understood as 'topic coding' which was a method employed to initially allocate data to specific topics (Richards, 2015: 110). I then took a more 'analytical' approach to the coding which required more "interpretation and reflection on meaning" and which allowed me to express new ideas about the data collected (Richards, 2015: 112).

## **Overview of Participants (in chronological order)**

- Family Planning Association: I interviewed two members of staff, Ruairi Rowan and Heather Low. Ruairi is the Senior Advocacy Officer at the FPA and is acutely aware of the challenges to policy reform in this area. Heather Low is the Counselling Services Coordinator and has an invaluable perspective on the impact of the current law on women, particularly those who have to travel to access abortion services.
- Breedagh Hughes, the NI Director of the Royal College of Midwives which is the professional organisation and trade union for midwives in NI. Breedagh has a unique perspective on how the law impacts health practitioners as well as women accessing the service. She frequently speaks publicly about the impact of the law and the need for reform.
- Alliance for Choice, the main pro-choice lobby in NI: This organisation is managed by volunteers; I interviewed two of the main volunteers Saoirse Johnston & Natalie Biernat who are recognised activists at the forefront of the Trust Women campaign.
- Les Allamby, the current Chief Commissioner of the NI Human Rights Commission. Les has been the Chief Commissioner since 2014 and encouraged the Commission to take on the issue of abortion in NI for the first time which has resulted in the ongoing legal dispute over the compatibility of the current law with the ECHR.
- Helen Crickard, a pro-choice campaigner and women's rights activist. Helen made the news in March 2017 when her office was raided on International Women's Day by the police looking for abortion pills.
- Dawn Purvis, was previously a PUP (Progressive Unionist Party) MLA for East Belfast and later the first Director of the Marie Stopes clinic when it opened in Belfast in 2012. In both these roles she was a vocal pro-choice advocate and has been the public face of the pro-choice campaign for a long time.
- Clare Bailey, has been a Green Party MLA for South Belfast since 2016 and is one of the only consistently vocal women's rights and pro-choice advocates in Stormont. Recently, she has been trying to forward a bill on Safe Access Zones, which would help to stop women being harassed and intimidated outside Marie Stopes and FPA clinics in Belfast.

## **Political Barriers to Abortion Law Reform**

After coding the interviews, five common themes emerged: the perception that there has been a shift in public opinion; the impact of anti-choice groups; the dominance of anti-choice views in Stormont; the silencing of alternative political views; and the continued focus on tribal voting in NI. Other unexpected themes emerged: such as the extent of pervasive control of anti-choice groups in other positions of power, suggesting that the barriers may go beyond formal politics; and a shared view that Westminster had subjugated its responsibility towards protecting women's rights in NI.

### **Has public opinion shifted?**

Several opinion polls in recent years indicate that public opinion on abortion law reform in NI is shifting. In addition to the aforementioned 2017 NI Life and Times Survey, a 2016 Amnesty study found that 67% of respondents were in favour of abortion being legal in cases of FFA and 72% in cases of sexual crime (Amnesty International, 2016). Everyone interviewed attributed the recent shift in attitudes to increased public discussion on the issue, which has been encouraged by women speaking publicly about their experiences; highlighting in a very personal way how the law is impacting women's lives. Heather Low the Counselling Services Coordinator at the FPA has considerable experience hearing women's stories in her line of work. She stated that hearing women's stories "allows us to have a more grown-up conversation about it, understanding the complexities rather than just a black and white, right and wrong debate". Both Natalie Biernat and Saoirse Johnston, activists with Alliance for Choice, described how the subject of abortion had previously not been openly talked about in N. Irish society and was therefore very stigmatised. They felt that increased public discussion of the issue and more women speaking openly about their experiences has "started to change hearts and minds".

Everyone mentioned how, in particular, Sarah Ewart's "bravery" in speaking about her experience had a significant impact on the way abortion is discussed in NI, politically as well as publicly. Ruairi Rowan, the Senior Advocacy Officer at the FPA who works with both politicians and the public stated, "the Sarah Ewart experience had a massive impact

on how abortion is discussed here. Even if you look at debates in the Assembly some of the language that was used even a couple of years ago is not spoken now... and I think Sarah had a lot to do with that”. Both Ruairi and Heather Low referred to Sarah Ewart’s influence in encouraging other women to speak out about their experiences, helping to highlight the “sheer horror” of the current law and making it increasingly difficult for people, including politicians, to defend.

Another significant development identified by all those interviewed was the opening of the Marie Stopes clinic in Belfast in 2012, the only one in NI. Despite predictions, the opening of the clinic did not attract the thousands of protesters that were expected in central Belfast. The interviewees agreed that the opening of the Marie Stopes clinic helped to highlight how abortion was not illegal in NI. Anti-choice groups at the time frequently stated that abortion was illegal under all circumstances, misleading the public. Saoirse Johnston stated “I think Marie Stopes has firmly brought home the fact that abortions aren’t just being exported but do happen on Northern Irish soil...people can no longer pretend that it’s not happening. The anti-choicers would try and maintain that abortions don’t happen at all here in Northern Ireland, and they do”.

The debate in recent years has focused on reforming the law to allow for abortion in cases of FFA and sexual crime, for which there is significant public appetite, as discussed above. However, extending the 1967 Act has not been subject to as much public debate, with the perception that the public may be in favour of reform but not further liberalisation. Individuals interviewed from the FPA and Alliance for Choice cautioned against the use of the term ‘extension of the 1967 Act’ as a barometer for public opinion on abortion. They described the 1967 Act as carrying negative connotations in NI because of its historic association with ‘abortion on demand’ and the view, held predominantly by nationalists, that it is a ‘British piece of legislation’. The 2017 NI Life and Times Survey avoided this terminology and found that 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” (Gray, 2017). The wording of this was based on Ground C of the 1967 Act, the ground under which 98% of abortions are carried out in England and Wales (Gray, 2017). This confirms that when the NI public is asked about the 1967 Act in an indirect way, only a minority are against its

principles. This is a promising development for pro-choice activists as it illustrates how they can appeal to a broader range of people by rethinking how they approach the subject.

Yet, all of those interviewed, who were from a wide variety of sectors, viewed the 1967 Act as “outdated” and “not fit for purpose” and recognised the need for revised legislation that decriminalises abortion and places abortion services solely within the realm of healthcare. The increased access to abortion pills has also changed the context of the debate: the 2017 Life and Times Survey found that the majority of respondents believe women should not be criminalised for taking abortion pills and 70% believed that abortion should be a matter for medical regulation and not criminal law (Gray, 2017). All of these findings are significant in highlighting how the current abortion legislation is “out of step” with public opinion. Breedagh Hughes, the regional Director of the Royal College of Midwives, stated, “I think there is growing recognition within Northern Ireland that our politicians are out of touch with what’s happening, because poll after poll after poll shows that the general population supports abortion, in certain circumstances and everybody has their own sliding scale about what the circumstance might look like”. Alliance for Choice regularly facilitates sessions entitled “so you want to talk about abortion” as well as having a weekly information stall in Belfast city centre. Both Natalie Biernat and Saoirse Johnston who run these community engagement programmes, stated that they are increasingly engaging with people who now identify as pro-choice but before perhaps misunderstood the meaning of the term; negatively associating it with being oppositional to motherhood and family life, rather than being about choice. Natalie stated, “when you discuss criminalisation, bodily autonomy, the right to decide over your own body and life, people are very receptive. I think people just need to be able to have that conversation”.

### **Who still opposes reform?**

Despite the overwhelming positivity about how public discourse on abortion is changing, all the interviewees spoke about the disproportionate impact of a vocal minority of anti-choice groups who have dominated public discussion on the issue for many years. Frequently, it is images of anti-choice protestors outside Marie Stopes and the FPANI office that are placed alongside news articles on abortion in NI, giving the impression that they represent public opinion on the issue. In addition, the very extreme views expressed



often violently by anti-choice protestors have historically been given a disproportionate amount of air time in NI. Public debates on abortion frequently feature Bernie Smyth, the Director of Precious Life, an evangelical Christian who is fundamentally opposed to abortion in all circumstances. In 2015, she was convicted of harassing Dawn Purvis, then Director of the Marie Stopes clinic in Belfast, though the conviction was overturned in 2015 due to “insufficient evidence” (BBC, 2015c). The case sparked public debate in NI, with some commentators evoking sympathy for Bernie Smyth and failing to recognise how intimidating the behaviour of anti-choice protestors can often be.

Individuals from anti-choice groups such as Precious Life and SPUC have picketed outside the FPA office for the past 20 years and that of Marie Stopes since it opened in 2012. A majority of those I interviewed have experienced working or volunteering in these organisations and all described how anti-choice protestors target any woman of child bearing age when they are entering or leaving these buildings. They described women being shouted at, spat on, physically assaulted, splashed with holy water, having images of foetuses shoved in their faces and having abuse yelled at them, such as “you will only ever be the mother of a dead baby”. Clare Bailey, an MLA for the minority Green Party and vocal women’s rights activist, described how she witnessed a woman being chased into traffic by anti-choice protestors; “it is absolutely shocking, words don’t do justice to what is happening to women and the harassment, the deliberate concerted campaign of harassment against women in the streets of Belfast is absolutely appalling”.

Both Natalie Biernat and Saoirse Johnston from Alliance for Choice and Clare Bailey are volunteer client escorts for Marie Stopes which involves accompanying women to and from the building. They have had to resort to filming anti-choice protestors using body cameras to help ensure that evidence of the harassment cannot be disputed. All three participants described how they had personally been physically and verbally assaulted outside the clinic. Everyone interviewed agreed that public support for pro-life groups like this was declining and that their extreme attitudes were increasingly alienating people. Dawn Purvis stated, “when anti-choice groups started to emerge here in the mid-1990s they dominated the public sphere and the public narrative...so that has taken a long time to change, these people no longer dominate the narrative, in fact the more often they are on the news, radio and TV the more people are seeing what they really are”.

It is increasingly clear that the views espoused by anti-choice groups do not reflect wider public opinion on abortion, yet they continue to have considerable influence on abortion policy in NI. Les Allamby stated, “there are still people with strong views on equal marriage, abortion and other socially liberal issues but that is increasingly a significant minority rather than a significant majority”. His use of the word significant is important: they may not be significant in number any more, but they remain significant in terms of their influence on policy and practice.

### **Disproportionate leverage**

Anti-choice groups continue to disproportionately impact the content of the debate in NI principally because they have a significant number of politicians who support them. Anti-choice views have dominated political discourse on abortion in Stormont with opposition to abortion law reform uncharacteristically uniting both unionist and nationalist parties. There has been a complete unwillingness on the part of certain political parties, predominantly the DUP and SDLP, to engage in a conversation on abortion law reform. Breedagh Hughes described both the DUP and SDLP as having “put down the shutters and [they] don’t want to hear”. The dominance of anti-choice views is clearly visible in the language used by politicians in Assembly debates on abortion, with language such as ‘unborn children’, ‘killing babies’, ‘murder’ and comparisons with the Holocaust being commonly used by politicians (Hansard, 2000; Hansard, 2007; and Hansard, 2013). However, there was a shared opinion among participants that the use of inflammatory and offensive language has significantly decreased in recent political debate. Dawn Purvis who was previously an MLA stated, “I can see change, even though they have very strongly held views and their language is very emotive and offensive, if you look at the Hansard from February last year...the language is really toned down”. However, this may not necessarily reflect that the politicians have toned down their views but are simply trying to tone down their language to appeal to the electorate.

I had anticipated religion being a common theme from interview discussions, as academic literature places considerable importance on how religious views held by both the public and politicians has prevented abortion law reform (Bloomer and O’Dowd 2014, Thomson 2016). This was strongly confirmed in the interviews with participants all reflecting on the

influence of personal morals within the NI political debate. Dawn Purvis stated, “if you look at the DUP for example, the number of evangelical Christians that make up the public face of the DUP are a lot more than there would be in the general population...that is going to impact their policy, how they make policy and make decisions about policy”. Throughout the Stormont debates, politicians from the DUP and SDLP frequently refer to religious beliefs as grounding their extreme anti-choice rhetoric. For example, DUP MLA Iris Robinson said, “abortion is an issue on which I have strong Christian convictions. The sanctity of life is my overriding concern” (Hansard, 2007). Breedagh Hughes stated, “there is a huge reluctance on the part of some of our politicians to discuss this matter rationally, because they only see it in moral terms”. Repeated reference was made in the interviews to how these views are not representative of public opinion. Natalie Biernat stated, “it’s a small minority of anti-choice and religiously conservative people who have so much influence there and think they speak for the entire country when they don’t”. This illustrates a challenge for the pro-choice lobby in moving the debate forward to reflect how women’s lives have changed both socially and economically. Women are becoming increasingly sexually liberated with easier access to contraceptives and the morning after pill, yet the outdated views of many politicians are continuing to impact their lives.

There was also a shared concern expressed by interviewees that anti-choice groups have easier access to Stormont. All referred to the presence of an All Party Group (APG) on Pro-Life which had been chaired by Bernie Smyth. An APG, by definition, requires cross-community support before it can be constituted: requiring the signature of a unionist and nationalist politician, and a third politician designated as ‘other’. After an Alliance MLA withdrew their signature due to pressure from pro-choice politicians, the APG could no longer be constituted. However, the group reappeared under the name ‘Human Life’, with SDLP MLA Alban Maginness as Chairperson and Secretariat Support from CARE (Christian Action, Research & Education) and nearly the same political membership (NI Assembly, 2017).

It is significant that there has been a consistent presence of an APG made up of anti-choice politicians and groups, yet not a single APG on abortion law reform. This considerably limits the political space to discuss the issue and highlights how there remains significant cross-community support for anti-choice principles. Not having this special access to the decision makers and having to counter it from an ‘outsider’ perspective compounds the

frustration felt by pro-choice activists that they are fighting against a brick wall. Clare Bailey described how she has tried to set up an APG on abortion law reform but failed to get a single nationalist politician to constitute the group, despite Sinn Fein's party stance on abortion law reform. Clare stated, "there is no space to allow decision makers to sit and have those conversations, to understand the power of their language, the power of their position or how they even address this issue". It is clear that anti-choice groups have significantly greater ability to influence political decision makers than women's interest groups or pro-choice groups and this inevitably has an impact on the potential for abortion law reform.

Natalie Biernat described how, "Precious Life and groups like that have control within those parties, they have access and a lot of money and influence, and I think that is partly why in terms of legislation things haven't really shifted that much yet". The fact that Bernie Smyth was provided with the equivalent of a staff pass to Stormont by an SDLP MLA illustrates the special status that has afforded to the anti-choice lobby. While public support for anti-choice groups is declining, there is limited evidence to suggest that they are losing political influence. Clare Bailey insisted, "I believe they are losing support in terms of public support, I don't believe that they are losing support in terms of access to people in positions of power". It is the apparent ability of anti-choice groups to influence policy and other key institutions, while the pro-choice lobby is systematically denied access, that results in a very one sided debate in Stormont.

### **A battle on all fronts**

An interesting theme that emerged from the interviews was the perception that anti-choice groups have considerable influence in positions of power beyond formal politics, suggesting that barriers to abortion law reform are not confined to the legislature at Stormont. Natalie Biernat, Saoirse Johnston and Clare Bailey suggested that there is strong evidence to indicate links between anti-choice groups to the Attorney General, the Public Prosecution Service and the police. Natalie Biernat claimed, "there are most definitely connections there, between anti-choice groups and people who control and work in all of those legislative and judicial roles". As the chief legal adviser in NI, the Attorney General John Larkin is particularly vocal about his views on abortion, and has intervened on several

occasions including in February 2016 when he wrote to TUV MLA Jim Allister questioning whether a vote to allow abortions in cases of FFA was compatible with international human rights law (Connolly, 2016). In addition, the Attorney General along with the Justice Department appealed the Belfast High Court's ruling of a declaration of incompatibility. These interventions of the Attorney General have been regarded by some as inappropriate by a public servant of the people, and they question the implication this may have on the impartial administration of law (Connolly, 2016). Les Allamby, who was involved in the recent court cases with the NIHRC suggested the Attorney General's presence at the High Court proceedings was based on his personal views rather than necessity- "there is an interesting argument over whether because the Department were already represented did he really need to be there, but he has particular views on the issue so he was there". It remains significant that the highest legal person in the land is very vocal in his opposition to abortion, as this may impact the ability to get legislative reform through the Courts.

Both Saoirse Johnston and Clare Bailey described filing complaints with the police over harassment by anti-choice protestors outside Marie Stopes. They felt that often the police did not take their complaints seriously, citing a lack of understanding within the force on the issue. Saoirse Johnston explained how her reports of harassment filed with the police had "just disappeared...that has happened with numerous client escorts before". Clare Bailey explained how a composite case of harassment claims brought by client escorts against anti-choice protestors had been thrown out by a Judge for "not being in the public's interest". She described how after this happened, she returned to volunteer as a client escort and was assaulted by anti-choice protestors, who felt emboldened because of the support they have from positions of power, "I was assaulted and battered up the street, while they were screaming "you can't do nothing, you haven't a f\*\*\*ing clue what you're doing love, you can't touch us". Both client escorts at Marie Stopes and members of staff at the FPA stated that the fact anti-choice individuals, one of whom has a conviction of harassment against an FPA member of staff, are allowed to continue to picket every day and repeat their violent behaviour indicates how the matter is not taken seriously. Clare Bailey stated that "nobody takes any action and nobody does anything" with Saoirse Johnston describing it as feeling like "a battle on all fronts".

The role of, and challenges for, health care professionals was a recurring theme in all the interviews. In particular, the publication of Guidelines, and the impact of the 2013 draft written by then DUP Health Minister Edwin Poots was mentioned by every interviewee. Both Breedagh Hughes and Dawn Purvis stated that they believed the Attorney General had a hand in writing the 2013 Guidelines, as Breedagh stated “it was very heavy on the law and very light on clinical practise”. They explained that the 2013 draft Guidelines had a ‘chilling effect’ on clinicians and had directly impacted how they were treating women in NHS facilities. Ruairi Rowan stated “it really put the fear into health professionals. The year before [Poots’ paper] there were 53 abortions carried out. There were 23 the year after and it was the one year where the number of women travelling to England increased. Our line on that would be abortions that would have been performed in Northern Ireland the year before, now weren’t and women then had to travel”.

Despite the publication of final guidelines in 2016, which were a significant improvement on the 2013 draft, the view was shared that Edwin Poots’ draft still had a significant impact on clinicians. Although the publication of guidelines was necessary to provide clarity around the law, by shining a spotlight on the legality of abortion it has caused clinicians to be more cautious. Les Allamby stated, “one of the paradoxes is that the more the focus is, the more risk averse the clinicians have become because they know it is high profile”. Both Breedagh Hughes and Ruairi Rowan stated that, previously, women may have been able to access abortion in cases of FFA as clinicians may have categorised the abortion as something else. However, they claimed the Guidelines have reduced the likelihood of this by highlighting the legal situation for clinicians, who are now reluctant to even signpost women to abortion services in England for fear of prosecution. In addition, it remains significant that two Health Ministers in recent years, Edwin Poots and Jim Wells are some of the most vocally anti-choice politicians. The fact that anti-choice individuals have a significant voice in these debates, particularly in the legislative and judicial arena is concerning, considering they are not representative of majority opinion in NI.

### **Tribal voting**

The history of tribal voting in NI and the impact it has on politics is well understood. Not surprisingly this was a recurring theme that emerged from the interviews; in particular its

impact on prospects of progress on the abortion issue. Despite a shared view amongst those interviewed that abortion was increasingly becoming an election issue, Breedagh Hughes, Dawn Purvis and Clare Bailey stated that the majority of voters in NI continue to vote orange or green rather than on social issues or so-called 'bread and butter issues'. The prevalence of tribal voting is a key factor in explaining why there remains such a stark discord between public and political opinion on the issue of abortion. Breedagh Hughes stated, "because of the particular circumstances here in Northern Ireland, when people go to the polls here they don't vote on real issues, they don't vote on health, or housing, or transport, or old age pensions, or abortion- they vote on the constitutional issue". A notable example of this is seen in a 2016 Amnesty study that found 73% of DUP voters were in favour of abortion law reform in cases of rape or incest, with just 17% opposed, and 69% of SDLP voters supported access to abortion in such circumstances with 17% also opposed (Amnesty International, 2016). In the April 2017 elections, the vote share for the DUP and Sinn Fein significantly increased, with the UUP and SDLP vote, seen as more moderate, being squeezed. This polarisation of views and increase in tactical voting along sectarian lines is testament to the fear that prevails in the two opposing communities of the potential consequences of ceding any ground to 'the other side'.

While it appears that attitudes have changed, particularly among young people, Dawn Purvis and Clare Bailey highlighted the election of the DUP's Emma Little-Pengelly as an MP for South Belfast, a constituency with a very high student population who are vocally pro-choice. Clare Bailey stated, "we have just elected Emma Little-Pengelly from the DUP as our MP who is not only anti-woman, anti-choice but also fully supports Brexit in a constituency who is very much vocally pro-choice, anti-brexit". In addition to tribal voting, it may also indicate lower voter turnout from young people who are disillusioned by NI politics and their inability to enact any change through voting. However, in some parts of Belfast candidates from People Before Profit and the Green Party have been elected to the Assembly and Belfast City Council. While these do remain the exception, they do, however, reflect an attitude shift more in keeping with Westminster politics— the Greens interested primarily in sustainability and People Before Profit an anti-austerity stance. Dawn Purvis in her interview described it as being a choice between "orange conservative and green conservative" explaining, "we don't really have a political class that is truly representative of public opinion and that is because of the divisive nature of our

politics...so you have the parties like the DUP who represent the unionist people of NI but don't particularly represent their interests".

Both Clare Bailey and Dawn Purvis as elected members of the Legislative Assembly ,have direct experience of political life and the importance to politicians of making decisions that enable them to remain in office; even when this may conflict with their personal views. They both stated that politicians will only react to shifting public opinion on the abortion issue when they see it as impacting their ability to get elected. However, with the continuation of tribal voting it is difficult to see how the pro-choice lobby will achieve change through the legislature if the DUP continue to be elected as the biggest political party and maintain their vehement opposition to abortion reform. Everyone interviewed shared the view that initial change would inevitably come through the courts rather than through the legislature. Breedagh Hughes stated, "it doesn't really matter what you put to the electorate here, essentially they vote orange or green, and everything else then is left and the only way to catch up with the rest of the world is through the courts".

### **No room for other voices**

Not all politicians in Stormont have anti-choice views and some including Clare Bailey speak very openly about being pro-choice. However, within some of the political parties there is limited space to express views that differ from the party position. Clare Bailey and Dawn Purvis described how the DUP, SDLP and Sinn Fein have a three-line whip on abortion, meaning that politicians from these parties must vote with the party or risk serious punishment which could include suspension from the party. Everyone I interviewed indicated that there are pro-choice individuals within these parties, but they are unable or unwilling to air their views publicly. Dawn Purvis stated "I know this for a fact, there are those within the DUP who are pro-choice but they just can't express it". Les Allamby corroborated this, stating, "there are some pro-choice people in the DUP, there is not a homogenous block with the same personal views, but they generally tend to be quite disciplined in terms of a political party". The issue of the three-line whip was recognised by all interviewees as being a key barrier to abortion law reform, with Dawn Purvis stating, "unless we get parties to drop their three-line whip and actually allow a free vote in their party we aren't going to get change at all". The UUP and Alliance Party have the issue as



a vote of conscience- Clare Bailey indicated that this was also problematic. She stated, “that to me is no position of leadership, and human rights are not a matter of conscience, human rights are given, your own personal view if you're ever faced with that decision [to have an abortion], your conscience should decide, not the law”.

There was a feeling amongst those interviewed that providing access to abortion is indicative of a political context that is both patriarchal and misogynist in its nature; other issues that predominantly impact on women are also not prioritised. Natalie Biernat said “it’s a complete lack of respect for women here, there is no childcare strategy, you don’t want to give women the resources to look after children they want to have but you want to stop women from taking control over their reproductive health”. Clare Bailey stated, “we have soaring levels of domestic violence yet we have no domestic violence law in NI...we have a law that really doesn’t understand rape and sexual abuse when it comes to our courts...so yes, women have entirely been left behind, not acknowledged, and deliberately blocked and that’s who we [politicians] are”. Despite female representation being at a historically high level in Stormont and on par with Westminster, it is clear that the perspectives of women are still not adequately represented in the legislature and issues affecting women, such as abortion are frequently not taken seriously. Dawn Purvis stated, “I think it is down to misogynist views, particularly in political parties when it comes to policy making, I think there is a gender blindness when it comes to our politics”.

Both Dawn Purvis and Clare Bailey agreed that the conflict has had a significant impact on both women’s equality and progressive policy, partly explaining why NI lags behind the rest of the UK. Dawn Purvis described it as being “a progressive policy timewarp” during the conflict. The institutional arrangements as a result of the GFA have in many ways exacerbated the unionist/nationalist dichotomy, making the articulation of any different kinds of politics, such as feminism or socialism extremely difficult. Clare Bailey discussed the difficulty posed by the designation process, which inhibits parties designated as ‘other’ like the Greens from having a vote on certain issues. Clare claimed that it has “completely institutionalised a divided society” and it often felt like you were up against “an absolute brutal barrier of political process”. The divisive nature of NI politics and the continued focus on equality between unionist/nationalist communities has meant that women’s equality has been completely sidelined, despite being written into the GFA.

Dawn Purvis stated, “I do think women’s equality here hasn’t really been taken seriously both by policy makers and politicians. I think very often it is paid lip service”.

The continued focus on the legacy of the conflict by the four largest political parties has significantly reduced the space to discuss other issues such as abortion. This quote from Clare Bailey is illustrative of the exasperation felt by all interviewees over the recent collapse of the Assembly and the inability of the main political parties to move forward-

“Our politics at the minute have the same 5 parties talking to the same 2 governments sitting at the very same table talking about the very same issues that they have never been able to agree on before, that they have brought the institutions down and stalled the whole thing before, 7 times they have done this before and now we’re right back at the same point”

### **Abdicating responsibility**

It was agreed by all that the role of the Westminster Government is crucial and that it is failing in its duty to safeguard the human rights of women in NI in relation to access to abortion services. As Westminster is the state party to international human rights treaties, it has responsibility for ensuring its devolved administrations meet these standards. Repeated CEDAW recommendations have urged Westminster to hold consultations with the NI government on abortion law reform, reminding them that it is not in line with human rights standards (Thompson, 2017). Referring to Westminster, Dawn Purvis simply stated “it is the state party, they have abdicated their responsibility”.

Since 2010, Justice has been devolved to Stormont and since abortion is treated as a criminal issue, Westminster has evaded responsibility by claiming the issue is devolved. This was disputed by interviewees who regard it as an issue of women’s rights. Clare Bailey MLA stated, “It is not a devolved issue, it is absolutely not...It was a Westminster issue then, it still is a Westminster issue now. They are the state responsible for human rights and when they are found to be failing they are the ones who are liable”. However, Les Allamby of the NIHRC said “you can’t get away from the fact that justice and healthcare are devolved” although he concluded, “if it is absolutely clear that it won’t be

resolved [by Stormont]...we expect Westminster to step in”. While technically abortion is devolved, Westminster has an obligation if laws are not human rights compliant. This indicates how important the upcoming Supreme Court’s ruling, over the compatibility of NI abortion law with human rights will be, as it could place an onus on Westminster to ensure Stormont changes the law.

Prior to devolution in 2008, several Labour MPs including Dianne Abbot tabled a clause to the Human Fertilisation & Embryology Bill to extend the 1967 Act to NI. However, the clause never saw the light of day. Dawn Purvis, Clare Bailey and Saoirse Johnston described the political machinations at the time as being highly illustrative of Westminster’s reluctance to legislate on abortion in NI. Dawn stated, “Harriet Harman pulled the plug on it... It’s always been a Labour party policy to extend the Act but they pulled the plug on it”. Clare Bailey blamed it on the fact Prime Minister Gordon Brown needed the DUP to vote for his government on terrorist detention legislation: “they were the ones to swing the vote in terms of getting it past, and that’s when Dianne Abbot’s motion completely disappeared”. This example of political expediency has been experienced more recently in relation to NHS funding, when the Conservative government did a U-turn on their policy to avoid a backbench rebellion, but publicly citing that they did not want to “undermine Stormont” (Elgot and McDonald, 2017). It is clear that there is a reluctance on the part of Westminster to interfere in the abortion issue in NI, often stating that to do so would ‘threaten the peace process’; yet everyone interviewed stated that the abortion debate had no bearing on the peace process in NI.

The current lack of a formal executive and legislature in NI and the unforeseen development of the DUP propping up a minority Conservative government causes concern for all those interviewed. Despite the potential for direct rule, scepticism was voiced as to whether Westminster would ever legislate ‘over the heads’ of Stormont in relation to abortion. Les Allamby stated, “if the talks collapse and we end up with Westminster running Northern Ireland under direct rule, would they resolve this by enacting legislation from Westminster? I suspect they wouldn’t, I think they might look at equal marriage but I think they would probably wait and see what the courts did [in relation to abortion reform]”. With the responsibility to legislate falling on Westminster in the absence of a legislature, Clare Bailey and Dawn Purvis both stated that lobbyists should focus their efforts on Westminster to keep abortion in NI on the agenda there. Clare Bailey stated,

“let’s get these changes through while they are fighting about the conflict and the legacy of the past...we will enter a period of direct rule and lobbyists be ready. And my call is, let’s go”. To date though, it is clear that women in NI are being failed by their elected representatives in both Stormont and Westminster.

## Conclusion

This study has shown that there are many very challenging political barriers to abortion law reform in NI, both in Stormont and at Westminster. This year marks the fiftieth anniversary of the introduction of the 1967 Act throughout the UK. As England and Wales make progress towards the decriminalisation of abortion, women in NI are still subject to legislation that pre-dates women gaining the right to vote and even the invention of the lightbulb. The current abortion law in NI violates women and girls' rights to life, health, education, freedom from torture and discrimination, and the right to family and private life. The right of women to decide the number and spacing of their children is a basic human right that continues to be disregarded in NI. Despite public opinion having shifted on the issue of abortion in NI, Stormont has repeatedly resisted any change in the law and Westminster has shown little interest in intervening on the issue. Women continue to be let down and treated like second class citizens by both institutions.

Interviews with professionals and activists at the forefront of the movement engaged in pushing for abortion law reform in NI provided unique perspectives on what they perceived the blockages to change to be. Whilst there was a shared view that public opinion has shifted, they recognised that a vocal minority of anti-choice groups and individuals continue to disproportionately impact the content of the debate in NI. Women seeking help with unplanned or crisis pregnancies are harassed and intimidated outside Marie Stopes and the FPA for trying to access what are legal health services, and there is little challenge for the perpetrators. Political discourse on the issue continues to be dominated by anti-choice views, and although the emotive language may have toned down it appears that these morally conservative opinions are still held by the majority of those in a position to change anything. Although Sinn Fein has made a promising step towards abortion liberalisation in certain circumstances, the main political parties in NI are failing the majority of women they claim to represent who have the right to choose whether to continue a pregnancy or not. Pro-choice parties and politicians are restricted in their ability to enact change as they are in the minority and face institutional barriers that frequently relegate them to the periphery of decision making. The prevalence of tribal voting contributes to parties and politicians being elected that do not represent the public's interests; the divisive nature of NI politics and the continued focus on the constitutional

question has significantly restricted the ability of parties to voice a different kind of politics and to discuss issues that fall outside of this. The constant struggle between unionist and nationalist parties has meant women's equality has been sidelined and the discussion of women's rights such as abortion is met with disinterest and sometimes borders on contempt. Although women's representation is on the increase in Stormont, the perspectives of women engaged in activism around women's rights and reproductive rights continues to be largely unrepresented.

While Stormont continues to focus on the past and the legacy of the conflict, women's lives continue to be significantly impacted due to restrictive abortion legislation. Recent court cases have shown promising signs that change may be accessible through the courts. However, with vocal anti-choice proponents in senior judicial, legislative and political roles it seems the ethos against abortion law reform dominates in positions of power. Westminster has offered limited support for women in NI, and although the recent move to fund abortions in the NHS is indeed welcome it is not enough. Westminster politicians have an undeniable obligation to protect the rights of women in NI and so far they are failing in their duty. With a local government that shows continued opposition to reform and with the recent collapse of the Assembly and an inability to reach agreement, central government must recognise its responsibility to intervene and ensure that women in NI have access to abortion services on par with women in the rest of the UK. Women in NI are entitled to free, safe and legal healthcare To continue to ignore this is blatant discrimination.

In 2017, 50 years after the introduction of the 1967 Act in the UK, how is NI so far behind? With the current level of media attention on NI abortion law, the new understanding in the rest of the UK as a result of the DUP's role in 'shoring up' the UK government, the potential for a Supreme Court ruling in favour of the NIHRC and women in NI, and a significant shift in public opinion on the issue, change is inevitable. Although progressive change would be welcome by whatever means, if it was to come through the legislature this would reflect the huge amount of work put in by organisations including the Family Planning Association, Marie Stopes and Alliance for Choice, the NI Human Rights Commission, the Royal College of Midwives and many individual women in NI and elsewhere; to shift not just public opinion but political opinion. The interviewees from this study from the pro-choice and pro-reform lobby are all driven by a passion to redress an

injustice, the tragic consequences of which they deal with on a daily basis. I was left in no doubt that they will continue their fight and at some point they will win.

## Bibliography

1. Abortion Rights (2017) *Abortion Rights Manifesto- UK General Election 2017*. Available at: <http://www.abortionrights.org.uk/wp-content/uploads/2017/05/AR-election-manifesto-6.pdf> (Accessed: 29 August 2017).
2. Alliance for Choice (2013) *Alliance for Choice, Belfast Response: The Limited Circumstances For a Lawful Termination of Pregnancy in Northern Ireland: A Guidance Document for Health and Social Care Professionals on Law and Clinical*. July. Available at: <http://allianceforchoiceni.org/FINAL%20AFC%20Response%20Abortion%20Guidance%20July%202013.pdf> (Accessed: 5 August 2017).
3. Al Jazeera (2017) 'Chile court lifts complete ban on abortion', *Al Jazeera*, 21 August. Available at: <http://www.aljazeera.com/news/2017/08/chile-court-lifts-complete-ban-abortion-170821174541491.html> (Accessed: 29 August 2017).
4. Amnesty International (2015) *Northern Ireland: Barriers to Accessing Abortion Services*. Available at: [https://www.amnesty.org.uk/files/eur\\_45\\_0157\\_2015\\_northern\\_ireland\\_-\\_barriers\\_to\\_accessing\\_abortion\\_services\\_pdf.pdf](https://www.amnesty.org.uk/files/eur_45_0157_2015_northern_ireland_-_barriers_to_accessing_abortion_services_pdf.pdf) (Accessed: 1 March 2017).
5. Amnesty International (2016) 'Amnesty International- Abortion Research'. *Millward Brown*, October. Available at: [https://www.amnesty.org.uk/files/millward\\_brown\\_report\\_of\\_public\\_opinion\\_research\\_oct\\_2016.pdf](https://www.amnesty.org.uk/files/millward_brown_report_of_public_opinion_research_oct_2016.pdf) (Accessed: 13 August 2017).
6. Amnesty International UK (2013) *Guidance on Termination of Pregnancy in Northern Ireland: Submission to the Northern Ireland Department of Health, Social Services and Public Safety*. June. Available at: [https://www.amnesty.org.uk/files/ni\\_submission\\_finalsubmittedjuly2013x\\_0.pdf](https://www.amnesty.org.uk/files/ni_submission_finalsubmittedjuly2013x_0.pdf) (Accessed: 5 August 2017).
7. BBC (2015a) 'Same-sex marriage: Proposal wins assembly majority but fails over DUP over', *BBC*, 2 November. Available at: <http://www.bbc.co.uk/news/uk-northern-ireland-politics-34692546> (Accessed: 29 August 2017).
8. BBC (2015b) 'NI abortion law 'incompatible' with human rights', *BBC*, 16 December. Available at: <http://www.bbc.co.uk/news/uk-northern-ireland-35110085> (Accessed: 3 August 2017).
9. BBC (2015c) 'Bernadette Smyth: Anti-abortion protestor wins appeal', *BBC*, 29 June. Available at: <http://www.bbc.co.uk/news/uk-northern-ireland-33317597> (Accessed: 26 August 2017).
10. BBC (2016) 'Abortion: MLAs vote against legalisation in fatal foetal abnormality cases', *BBC*, 11 February. Available at: <http://www.bbc.co.uk/news/uk-northern-ireland-35546399> (Accessed: 27 July 2017).
11. Belfast Telegraph Digital (2017a) 'NI Election: DUP loses 'petition of concern' power opening door for gay marriage- Sinn Fein slashes lead to one seat', *Belfast Telegraph*, 4 March. Available at: <http://www.belfasttelegraph.co.uk/news/northern-ireland-assembly-election/ni-election-dup-loses-petition-of-concern-power-opening-door-for-gay-marriage-sinn-fein-slashes-lead-to-one-seat-35501483.html> (Accessed: 20 August 2017).
12. Belfast Telegraph Digital (2017b) 'Supreme Court rejects free NHS abortions for Northern Ireland women in England appeal', *Belfast Telegraph*, 14 June. Available at:



- <http://www.belfasttelegraph.co.uk/news/health/supreme-court-rejects-free-nhs-abortions-for-northern-ireland-women-in-england-appeal-35824833.html> (Accessed: 25 August 2017).
13. Belfast Telegraph Digital (2017c) 'Belfast branch of Marie Stopes to start charging for abortion care again', *Belfast Telegraph*, 19 August. Available at: <http://www.belfasttelegraph.co.uk/news/northern-ireland/belfast-branch-of-marie-stopes-to-start-charging-for-abortion-care-again-36048559.html> (Accessed: 26 August 2017).
  14. Bloomer, F. and Fegan, E. (2013) 'Critiquing recent abortion law and policy in Northern Ireland'. *Critical Social Policy* 34(1), pp. 109-120.
  15. Bloomer, F. and O'Dowd, K. (2014) 'Restricted access to abortion in the Republic of Ireland and Northern Ireland: exploring abortion tourism and barriers to legal reform'. *Culture, Health & Sexuality* 16(4), pp. 366-380.
  16. Bloomer, F. and Pierson, C. (2016) 'Morality policy under the lens- evidence based policy making on abortion v. myth usage'. *Knowledge Exchange Seminar Series at Queens University*. Available at: [http://www.niassembly.gov.uk/globalassets/documents/raise/knowledge\\_exchange/briefing\\_papers/series6/bloomer161116.pdf](http://www.niassembly.gov.uk/globalassets/documents/raise/knowledge_exchange/briefing_papers/series6/bloomer161116.pdf) (Accessed: 2 August 2017).
  17. Browner, C. H. (2015) 'Reproduction: From Rights to Justice', in Disch, L. and Hawkesworth, M. (eds), *Oxford Handbook of Feminist Theory*. Oxford University Press: USA.
  18. Bryman, A. (2016) *Social Research Methods*. 5th edn. Oxford University Press.
  19. Boseley, S. (2017) 'MPs win right to challenge Victorian law criminalising abortion', *The Guardian*, 13 March. Available at: <https://www.theguardian.com/world/2017/mar/13/mps-win-right-to-challenge-victorian-law-criminalising-abortion> (Accessed: 25 August 2017).
  20. British Pregnancy Advisory Service (2013) *Britain's Abortion Law: What it says, and why*. Available at: [http://www.reproductivereview.org/images/uploads/Britains\\_abortion\\_law.pdf](http://www.reproductivereview.org/images/uploads/Britains_abortion_law.pdf) (Accessed: 10 August 2017).
  21. Centre for Reproductive Rights (2017) *The World's Abortion Laws*. Available at: <http://www.worldabortionlaws.com/map/> (Accessed: 16 August 2017).
  22. Chae, S., Desai, S., Crowell, M. and Sedgh, G. (2017) 'Reasons why women have induced abortions: a synthesis of findings from 14 countries'. *Guttmacher Institute*. Available at: <https://www.guttmacher.org/article/2017/07/reasons-women-have-induced-abortions-synthesis-findings-14-countries> (Accessed: 14 August 2017).
  23. Chesney-Lind, M. and Hadi, S.T. (2017) 'Patriarchy, Abortion, and the Criminal System: Policing Female Bodies'. *Women & Criminal Justice* 27(1), pp. 73-88.
  24. Connolly, M. L. (2016) 'Doctor quits over NI attorney general's abortion interventions', *BBC*, 14 September. Available at: <http://www.bbc.co.uk/news/uk-northern-ireland-37353825> (Accessed: 23 August 2017).
  25. Criminal Justice Act (Northern Ireland) (1945) 'Section 25- Punishment for child destruction'. *1945- Chapter 1 -Part II- Offences -Section 25*. Available at: <http://www.legislation.gov.uk/apni/1945/15/section/25> (Accessed: 5 August 2017).
  26. Criminal Law (Northern Ireland) Act (1967) 'Chapter 18, Section 5. Penalties for concealing offences etc'. *1967 Chapter 18*. Available at: <http://www.legislation.gov.uk/apni/1967/18/contents> (Accessed: 18 August 2017).

27. Deiana, M. A. (2013) 'Women's Citizenship in Northern Ireland after the 1998 Agreement'. *Irish Political Studies* 28(3), pp. 399-412.
28. Dpt. of Health (2016) *Abortion Statistics, England and Wales: 2016- Summary information from the abortion notification norms returned to the Chief Medical Officers of England and Wales*. Available at: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/618533/Abortion\\_stats\\_2016\\_commentary\\_with\\_tables.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/618533/Abortion_stats_2016_commentary_with_tables.pdf) (Accessed: 25 August 2017).
29. Elgot, J. and McDonald, H. (2017) 'Northern Irish women win access to free abortions as May averts rebellion', *The Guardian*, 29 June. Available at: <https://www.theguardian.com/world/2017/jun/29/rebel-tories-could-back-northern-ireland-abortion-amendment> (Accessed: 25 August 2017).
30. Fearon, K. and Rebouche, R. (2006) 'What happened to women? Promises, reality and the Northern Ireland Women's Coalition' in Cox, M., Guelke, A. and Stephen, F. (eds.) *A Farewell to Arms? Beyond the Good Friday Agreement* 2nd edn. Manchester Uni Press.
31. Fegan, E. V. and Rebouche, R. (2003) 'Northern Ireland's Abortion Law: The Morality of Silence and the Censure of Agency'. *Feminist Legal Studies* 11, pp. 221-254.
32. Fenton, S. (2017) 'Northern Ireland election results: Record number of female MLAs take seats in Stormont', *The Independent*, 6 March. Available at: <http://www.independent.co.uk/news/uk/politics/northern-ireland-election-results-female-mla-record-stormont-a7614891.html> (Accessed: 31 August 2017).
33. Forster, K. (2017) 'Women seeking abortions in Arkansas now need permission from men', *The Independent*, 11 July. Available at: <http://www.independent.co.uk/News/world/americas/women-arkansas-abortion-men-permission-male-us-pro-choice-life-planned-parenthood-termination-a7834861.html> (Accessed: 28 July 2017).
34. Gentlemen, A. (2016) 'I needed an abortion but my consultant told me: 'I'm not going to prison'', *BBC*, 7 January. Available at: <https://www.theguardian.com/world/2016/jan/07/northern-ireland-abortion-ban-sarah-ewart-interview> (Accessed: 25 August 2017).
35. Gentlemen, A. (2017) 'Woman who bought abortion pills for daughter can challenge prosecution', *The Guardian*, 26 January. Available at: <https://www.theguardian.com/world/2017/jan/26/ulster-woman-who-bought-abortion-pills-for-daughter-can-challenge-prosecution> (Accessed: 28 July 2017).
36. Gray, A. M. (2017) 'Attitudes to Abortion in Northern Ireland'. *Research Update (115)*. Available at: <http://www.ark.ac.uk/publications/updates/update115.pdf> (Accessed: 5 August 2017).
37. Hansard (2000) 'Northern Ireland Assembly debate- Motion: That this Assembly is opposed to the extension of the Abortion Act 1967 to Northern Ireland'. *NI Assembly* 20 June. Available at: <http://archive.niassembly.gov.uk/record/reports/000620b.htm#2> (Accessed: 5 August 2017).
38. Hansard (2007) 'Northern Ireland Assembly, Private Members Bill- Iris Robinson DUP, That this Assembly opposes the introduction of the proposed guidelines on the termination of pregnancy in Northern Ireland; believes that the guidelines are flawed; and calls on the Minister of Health, Social Services and Public Safety to abandon any attempt to make abortion

- more widely available in Northern Ireland'. *NI Assembly* 22 October. Available at: <http://archive.niassembly.gov.uk/record/reports2007/071022.htm#7> (Accessed: 5 August 2017).
39. Hansard (2013) 'Northern Ireland Assembly, Criminal Justice Bill: Further Consideration Stage'. *NI Assembly* 12 March. Available at: <http://www.niassembly.gov.uk/assembly-business/official-report/reports-12-13/12-march-2013/#7> (Accessed: 5 August 2017).
  40. Hayes, B. C. and McAllister, I. (2013) 'Gender and consociational power-sharing in Northern Ireland'. *International Political Science Review* 34(2), pp. 123-139.
  41. Herskovitz, J. (2017) 'Texas enacts new abortion restrictions that include tissue disposal', *Reuters*, 7 June. Available at: <http://uk.reuters.com/article/us-texas-abortion-idUKKBN18Y32X> (Accessed: 28 July 2017)
  42. Horgan, G. and O'Connor, J. S. (2014) 'Abortion and Citizenship Rights in a Devolved Region of the UK'. *Social Policy & Society* 13(1), pp. 39-49.
  43. Letherby, G. (2003) *Feminist Research: In theory and practise*. Open University Press: Buckingham.
  44. Lister, R. (2003) *Citizenship- Feminist Perspectives*. 2nd edn. Palgrave Macmillan: Basingstoke.
  45. Mason, R. (2015) 'Devolution of abortion laws in Scotland prompts Labour warning', *The Guardian*, 14 October. Available at: <https://www.theguardian.com/politics/2015/oct/14/devolution-abortion-laws-scotland-labour> (Accessed: 31 August 2017).
  46. Maynard, M. and Purvis, J. (1994) *Researching Women's Lives from a Feminist Perspective*. Taylor & Francis: London.
  47. McDonald, H. (2016) 'Northern Irish woman given suspended sentence over self-induced abortion', *The Guardian*, 4 April. Available at: <https://www.theguardian.com/uk-news/2016/apr/04/northern-irish-woman-suspended-sentence-self-induced-abortion> (Accessed 20 July 2017).
  48. McDonald, H. (2017) 'Northern Irish appeal court refuses limited lifting of abortion ban', *The Guardian*, 29 June. Available at: <https://www.theguardian.com/world/2017/jun/29/northern-irish-appeal-court-refuses-limited-lifting-of-abortion-ban> (Accessed: 1 September 2017).
  49. Mullaly, M. and Murray, C. (2016) 'Regulating Abortion: Dissensus and the Politics of Rights'. *Social & Legal Studies* 25(6), pp. 645-650.
  50. Murtagh, C. (2008) 'A Transient Transition: The Cultural and Institutional Obstacles Impeding the Northern Ireland Women's Coalition in its Progression from Informal to Formal Politics'. *Irish Political Studies* 23(1), pp. 21-40.
  51. NI Assembly (2017) *All Party Group on Human Life*. Available at: <http://www.niassembly.gov.uk/your-mlas/all-party-groups-2011-2016/all-party-group-on-human-life/> (Accessed: 24 August 2017).
  52. NI Dept. of Health (2017) 'NI Terminations of Pregnancy Statistics, 2015/16', *Northern Ireland Department of Health*. Available at: <https://www.health-ni.gov.uk/news/ni-termination-pregnancy-statistics-201516> (Accessed: 20 July 2017).

53. Offences Against the Person Act (1861) 'Attempts to Procure Abortion: Section 58- Administering drugs or using instruments to procure abortion, and Section 59- Procuring drugs, &c. to cause abortion'. *1861 c. 100 (Regnal. 24\_and\_25\_Vict)* Available at: <http://www.legislation.gov.uk/ukpga/Vict/24-25/100/contents> (Accessed: 5 August 2017).
54. Rebouche, R. (2016) 'Abortion Rights as Human Rights'. *Social & Legal Studies* 25(6), pp. 765-782.
55. Redden, M. and Lakhani, N. (2017) 'US anti-abortion group quietly fights bid to end El Salvador's draconian ban', *The Guardian*, 27 July. Available at: <https://www.theguardian.com/world/2017/jul/27/el-salvador-abortion-ban-human-life-international> (Accessed: 29 August 2017).
56. Richards, L. (2015) *Handling Qualitative Data: A Practical Guide*. 3rd edn. SAGE Publications Ltd.
57. Royal College of Midwives (2013) *Response to the DHSSPS on The Limited Circumstances For A Lawful Termination of Pregnancy in Northern Ireland*. July. Available at: <https://www.rcm.org.uk/about/who-we-are/country-office/northern-ireland> (Accessed: 5 August 2017).
58. R v. Bourne (1939) *1 K. B. 687*. Available at: <https://msu.edu/user/schwenkl/abtrbng/rvbourne.htm> (Accessed: 5 August 2017).
59. Sanger, C. (2016) 'Talking About Abortion'. *Social & Legal Studies* 25(6), pp. 651-666.
60. Side, K. (2009) 'Women's Civil and Political Citizenship in the Post-Good Friday Agreement Period in Northern Ireland'. *Irish Political Studies* 24(1), pp. 67-87.
61. Skinner, D. (2012) 'The Politics of Medical Necessity in American Abortion Debates'. *Politics & Gender* 8, pp. 1-24.
62. Smyth, L. (2006) 'The Cultural Politics of Sexuality and Reproduction in Northern Ireland'. *Sociology* 40(4), pp. 663-680.
63. Thomson, J. (2016) 'Explaining gender equality difference in a devolved system: the case of abortion law in Northern Ireland'. *British Politics* 11(3), pp. 371-388.
64. Thomson, J. (2017) 'Thinking globally, acting locally? The women's sector, international human rights mechanisms and politics in Northern Ireland', *Politics* 37(1), pp. 82-96.
65. UNFPA (1994) *Programme of Action- Adopted at the International Conference on Population and Development, Cairo 5-13 September 1994*. Available at: [https://www.unfpa.org/sites/default/files/event-pdf/PoA\\_en.pdf](https://www.unfpa.org/sites/default/files/event-pdf/PoA_en.pdf) (Accessed: 28 July 2017).
66. United Nations (2014) *Reproductive Rights are Human Rights- A Handbook for National Human Rights Institutions*. Available at: <http://www.ohchr.org/Documents/Publications/NHRIHandbook.pdf> (Accessed: 3 August 2017).
67. Zampas, C. and Gher, J. M. (2008) 'Abortion as a Human Right- International and Regional Standards'. *Human Rights Law Review* 8(2), pp. 249-294.

## Appendix 1



College of Social  
Sciences

### Consent Form

**Title of Project:** The impact of Northern Ireland's political system on women's reproductive rights: abortion

- I confirm that I have read and understood the Plain Language Statement/Participant Information Sheet for the above study and have had the opportunity to ask questions.
- I understand that my participation is voluntary and that I have the right to decline to answer/I am free to withdraw at any time, without giving any reason.
- I consent / do not consent (delete as applicable) to interviews being audio-recorded.
- I consent / do not consent (delete as applicable) to my name being used in any publications arising from the research.
- I agree / do not agree (delete as applicable) to take part in the above study.

Name of Participant: .....

Signature: .....

Date: .....

Name of Researcher:.....

Signature: .....

Date: .....

## Appendix 2



College of Social  
Sciences

### Interview Themes

**Project Title:** The impact of Northern Ireland's political system on women's reproductive rights: abortion

**Subject Area/Degree:** MSc Human Rights & International Politics (University of Glasgow)

- Why do you think the pro-life discourse has been able to dominate discussion on women's reproductive rights in Northern Ireland?
- Do you believe there is sufficient appetite within Northern Ireland for a change in the current law?
- In your opinion, does discourse about the current abortion law being incompatible with human rights (High Court ruling 2016) put pressure on politicians in Stormont or Westminster?
- Do you believe the Westminster government has a responsibility to protect women's reproductive rights in Northern Ireland?
- Westminster often cite the peace process as a reason for not pressuring for greater abortion rights in Northern Ireland, what role do you believe the peace process has played/plays in maintaining restrictive abortion laws?
- What do you think the most effective mechanism is for pushing for greater access for abortion services in Northern Ireland? (courts, human rights, advocacy)

## Appendix 3



College of Social  
Sciences

### Plain Language Statement

**Project Title:** The impact of Northern Ireland's political system on women's reproductive rights: abortion

**Subject Area/Degree:** MSc Human Rights & International Politics (University of Glasgow)

You are being invited to take part in a research study. Before you decide it is important for you to understand why the research is being done and what it will involve. Please take time to read the following information carefully and discuss it with others if you wish. Ask us if there is anything that is not clear or if you would like more information. Take time to decide whether or not you wish to take part. Thank you for reading this.

#### What is the purpose of the study?

This study hopes to contribute to the greater dialogue surrounding access to safe and legal abortion for women, and how political system's impact women's rights. In doing so, this research will provide an insight into the situation women living in Northern Ireland face when trying to access reproductive services, through the unique perspective of individuals involved in the movement for greater reproductive rights for women. This, along with related research, will help to invoke the creation of a pro-rights perspective to abortion in Northern Ireland and the rest of the UK.

#### Why have I been chosen?

You have been chosen because of your unique perspective on the research topic which will help contribute to a greater understanding of the current situation facing women in Northern Ireland.

#### Do I have to take part?

You have the right to refuse participation in this study without consequence. You may withdraw at any time with no explanation needed. If you do participate and wish to withdraw at a later date please inform the researcher via the contact details below. Your participation will be retracted.

#### What will happen to me if I take part?

Your participation will require approximately one hour of your time. In participating in this interview you will be asked to respond to questions regarding access to abortion services in Northern Ireland. You may choose not to answer any question, or to include information that you feel is too personal. With your permission, this interview will be audio-recorded to ensure that the researcher can make an accurate record of what you say.

### **Will my taking part in this study be kept confidential?**

Both your personal details and audio recordings taken during the interview will be stored in an isolated, password-protected computer file. Personal data collected will be destroyed upon completion of this research. Within the study, you will be referred to by your name if you consent to this, otherwise a pseudonym/appropriate title will be used upon your request.

### **What will happen to the results of the research study?**

Your interview will be included in a dissertation published by the University of Glasgow. The researcher seeks to use your name in the final report. If you choose not to be named, a pseudonym/appropriate title will be used. The information that all participants provide is invaluable to the overall understanding of this subject area within this specific context. Your perspective is key in calling attention to this issue.

A summary of the completed work can be provided to you upon request.

*\*Please note that assurances on confidentiality will be strictly adhered to unless evidence of wrongdoing or potential harm is uncovered. In such cases the University may be obliged to contact relevant statutory bodies/agencies.*

*\*\*If you have any concerns regarding the conduct of this research project, you can contact the University of Glasgow School of Social and Political Science Ethics Officer, Dr. Muir Houston.*

*Email: [Muir.Houston@glasgow.ac.uk](mailto:Muir.Houston@glasgow.ac.uk)*

### **Contact for Further Information**