

Abortion: How Northern Ireland could be forced to ditch its 'nightmare' law

This week sees a landmark court case, as Northern Ireland's Human Rights Commission and Amnesty come together to try and change the 'harshest criminal abortion law in Europe'. Méabh Ritchie reports



Sarah Ewart 24 from Belfast, who was forced to go to England for an abortion in 2013, is challenging Northern Ireland's law. Photo: PA

By Meabh Ritchie

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If you are raped in Northern Ireland, you can't legally get an abortion.

If you're a 13 year-old sex crime victim in Northern Ireland, even of incest, you can't legally get an abortion.

If you are pregnant and find out, after a 20 week scan, that the foetus you're carrying has a serious abnormality and will soon die in your womb, you can't legally get an abortion.

Last week the British media rightly rallied around a report condemning abortion laws in the Republic of Ireland. But right here in a corner of the UK, unlawful abortion still carries a life sentence both for the woman undergoing it and for anyone assisting her.

It is only legal if a woman can prove her life - physical or mental - is at risk.

These strict restrictions mean that just 23 terminations were carried out at NHS hospitals in Northern Ireland last year. An estimated 4,000 women were forced to leave the country to terminate their pregnancy, with around 2,000 travelling to England.

Many more women order 'illegal' abortion pills from sites such as Women on Web.

• **Ireland's abortion problem: new report lays bare the horrifying truth**

• **Mumsnet backs 'illegal' DIY abortions**

But this law could be about to change - not through politics, despite a recent government consultation on this issue - but through the courts.

Today, a High Court Judicial Review will examine a case brought by Northern Ireland's Human Rights Commission against the Department of Justice.

Over three days, the commission will make the case for a change in the law to allow the termination of pregnancy in circumstances of rape, incest or complications which will result in the death of the foetus.



Anger and shame: women in the Republic of Ireland protest after the death of Savita Halappanavar

'Inequity' in the UK

Amnesty Northern Ireland has taken the unprecedented step of intervening to support the commission against the law, which it says carries the "harshest criminal penalties in Europe".

"It's a dire situation," says Amnesty's Grainne Teggert. "It's inequity in the UK.

"Politicians are beginning to change their mind-set, but that's no good. We need the words of politicians to become actions and legislate for change. Women can't afford to wait."

It has also become more urgent following an English High Court judge ruling in May 2014 that an 18-year-old woman from Northern Ireland was **not entitled to a 'free NHS abortion'** in an English hospital. The case caused huge controversy and the girl and her mother are currently appealing the High Court decision.

The impact of the north of Ireland's highly restrictive abortion law is something that Sarah Ewart, 24, (pictured top) who is also submitting evidence to the High Court review, knows only too well.

'A living nightmare'

In October 2013, she found out 20 weeks into a much-wanted pregnancy that her baby had anencephaly, a fatal abnormality where the brain does not develop and has no skull.

The only option doctors in Belfast could offer her was continuing with the pregnancy until the foetus died and then inducing a painful labour.

Doctors couldn't even give any advice about where to seek alternative treatment, for fear of being jailed. She was forced to travel to London to have the pregnancy terminated.

"I am an ordinary woman who suffered a very personal family tragedy, which the law in Northern Ireland turned into a living nightmare," she said.

In the midst of her ordeal, Ms Ewart, phoned a BBC Radio Ulster show to explain her devastating predicament, and in doing so shone a light on the impact of these restrictive laws.

"I was grieving, I was losing the baby but it was something I felt passionately about," she told me.

Before 2013, Ms Ewart was opposed to abortion, "but this baby I was carrying - there was no chance of life. This kind of situation hadn't crossed my mind."

Now, she is campaigning for a change in the law on abortion.



Abort67 outside Blackfriars Medical Practice collecting signatures to prevent the opening of a BPAS abortion clinic in 2014 (Abort67)

There is an active pro-life lobby in Northern Ireland within both the Catholic and Presbyterian communities, but Ms Ewart's story was universally recognised as grossly unfair.

When she visited a private clinic with her husband to try and find out about other options, she was confronted by the aggressive protesters who stand vigil outside, waving blood-red placards of fetuses.

"Pro-life protesters were shouting all sorts, flashing cards in my face," she recalls. "We were trying to get into my granny and granddad's car and we couldn't open the door".

But after the radio interview, the wider public has been much more sympathetic: "Now if we're in town or something, people stop us, they say they're behind us."

Sea change of opinion

Sarah Ewart's experience of public opinion appears to be backed up by recent polling. Around 65 per cent of people surveyed by Amnesty last year in Northern Ireland believed that abortion should be made available in

certain circumstances.

This is by no means a mandate for abortion on demand. But it is still a sea change, says Amnesty's Grainne Teggert, and an acknowledgement that abortion is not a black and white, "pro or anti" issue.

"For years, no one talked about it," says Jenny McEneaney of the Belfast Feminist Network, "but people are talking about abortion now.

"Being anti-choice is the default in Northern Ireland. But when you have those conversations, you start to see people changing their minds."

Politicians have been slow to reflect this change in opinion through policy. The justice department held a consultation into fatal foetal abnormality, in light of Ms Ewart's story, and recommended that abortion should be made legal in this case.



A conversation around abortion has started in Northern Ireland (Alamy)

But the DUP, Northern Ireland's largest party, and the nationalist SDLP are still vehemently pro-life and reluctant to be seen to make any concessions.

Despite being very sympathetic to Ms Ewart at the time, First Minister Peter Robinson

of the DUP has since backtracked and said that the law doesn't need to be changed.

Instead he offered to publish long-awaited guidance on the existing law, despite a previous DUP health minister Edwin Poots acknowledging in 2013: "any changes around lethal foetal abnormalities would require amendments to criminal law."

In fact just two weeks ago, the DUP tried to **increase the criminal penalty for abortion** and close down the Marie Stopes clinic. The motion was outvoted by just 41 to 39.

After a year of lobbying politicians, this is why Amnesty is supporting legal action, echoing the landmark **1973 Roe vs Wade case that legalised abortion for the first time in the United States**.

"Sometimes when you need radical social change - and this is radical for Northern Ireland - it's usually through the courts that it has to happen," adds Ms McEneaney.

"There's no way that it'll pass through the (government) Assembly."

All eyes will be on Belfast's High Court next week, and a judgement is expected after the judicial summer recess. It won't change things overnight, but a ruling in favour of the Human Rights Commission would give women the option of getting around the law, as the court could compel a health trust to assist with a termination.

But for Ms Ewart? This is personal.

“For some people this is a political debate,” she said, “but for me, this is my life.”

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