

# Protest against prosecution of Northern Ireland woman who used abortion drugs held outside British Embassy in Berlin

Northern Ireland Public Prosecution Service said the case prosecution was 'in the public interest'

Published 05/04/2016



The abortion drug Mifepristone 'blocks the hormone that makes the lining of the womb suitable for the fertilised egg' according to the NHS website

A protest against the prosecution of a Northern Ireland woman who bought abortion drugs online has been held outside the British Embassy in Berlin.

The 21-year-old woman, who cannot be named due to a court order, bought drugs on the internet to induce a miscarriage after failing to raise enough money to travel to England for a termination. On Monday she was handed a suspended prison sentence.

A barrister for the woman told Belfast Crown Court that had his client lived in any other region of the UK, she would "not have found herself before the courts."

Prior to the rally, the Berlin-Irish Pro Choice Solidarity [said on Facebook](#): "How many people were disgusted by Trump's comments about how women seeking abortions should be punished? Well, this is

actually happening right now in Northern Ireland!

"That women, people, are still being punished for attempted self-induced abortions in states where abortion is banned is an appalling state of affairs in 2016. "

The group said it began campaigning in 2012 in the aftermath of the death of [Savita Halappanavar](#) in the Republic of Ireland and said it "supports the fight for abortion rights in Ireland and globally."

### Drugs bought online

The woman bought two types of drugs online, took them then miscarried on July 12, 2014. She appeared in court on Monday where she pleaded guilty to two charges - namely procuring her own abortion by using a poison, and of supplying a poison with intent to procure a miscarriage.

Handing the woman a three-month prison sentence, which was suspended for two years, Judge David McFarland spoke of the difference in legislation surrounding abortion in Northern Ireland, compared to England, Scotland and Wales.

The Belfast Recorder also spoke of the potential dangers of taking these drugs, which are readily available on the internet but which should only ever be taken under medical supervision.

Prior to sentencing, Crown prosecutor Kate McKay said that on July 20, 2014 police were contacted by the woman's housemates and were made aware that she had bought drugs online which had induced a miscarriage on July 12.

Mrs McKay said that when the woman moved into the house in May 2014, she told her two housemates that she was pregnant but that she was trying to raise the money to travel to England for a termination.

However, after she was unable to raise enough money, she contacted an abortion clinic in England for advice. She claims that she was told by the clinic about two drugs - mifepristone and misoprostol - that were available on the internet and which would induce a miscarriage.

Defence barrister Paul Bacon said his client's prosecution highlighted the difference in legislation between here and the rest of the UK. He told the court "had she lived in any other jurisdiction, she would not have found herself before the court", adding she felt "victimised by the system."

Regarding the incident, Mr Bacon that at that time the woman was living in Belfast with people she barely knew and when she fell pregnant she felt "isolated and trapped ... with no-one to turn to."

Mr Bacon said the drugs she took were normally administered under medical supervision only, meaning that she put her own health at risk. He branded her actions as "a 19-year old who felt trapped" and who turned to "such desperate measures."

The barrister concluded by revealing the woman is now 21, has a new baby with her partner and is "trying to put her life back together again."

### Northern Ireland legislation 150 years old

Before passing sentence, Judge McFarland said there were no guidelines or similar cases to compare this to, adding in his experience there have been no other prosecutions under this specific piece of legislation - namely Section 58 of the Offences Against the Person Act 1861.

Judge McFarland said the legislation was 150 years old and had been substantially amended in England, Scotland and Wales but not in Northern Ireland.

Acknowledging that as a UK citizen the woman could legally have travelled to England for a termination, Judge McFarland said that the advice given by the clinic "without knowledge of her background and details was perhaps inappropriate".

He also said that while there are agencies in Northern Ireland that give advice on such issues "unfortunately they are part of a polarised debate that can be part of a more toxic debate."

### **Prosecution 'in public interest'**

Prosecutors in Northern Ireland have insisted it was in the public interest to bring a case against a woman found guilty of buying drugs online to abort her unborn child.

The maximum penalty for the crime of administering a drug to induce miscarriage under the relevant law in Northern Ireland, namely the Offences Against The Person Act 1861, is life imprisonment.

Across the border in the Irish Republic, the offence of procuring an abortion carries a potential 14-year jail term.

The case has sparked a fresh row about abortion laws in Northern Ireland. Both sides of the ever divisive debate have criticised the outcome, though for very different reasons.

While pro-choice campaigners have denounced the prosecution, pro-life advocates have insisted the sentence was too lenient.

The Northern Ireland Public Prosecution Service said the case met the evidential threshold and its pursuance was in the public interest.

"The test for prosecution has two elements," said a PPS spokesman.

"It involves an assessment as to whether the available evidence provides a reasonable prospect of conviction - and also whether prosecution is in the public interest.

"In this particular case it was decided, having carefully considered all of the relevant evidence and information, that both elements of the test for prosecution were met. A range of factors were relevant to the balancing of the public interest, including the important fact that the law in Northern Ireland makes the conduct in question a serious criminal offence in respect of which a conviction carries the potential of a significant custodial sentence."

### **Amnesty International said it was appalled by conviction**

Amnesty's Northern Ireland director, Patrick Corrigan, said: "A woman who needs an abortion is not a criminal. The law should not treat her as such.

"This tragic case reveals, yet again, that making abortion illegal does not stop women in Northern Ireland needing or seeking terminations.

"Those who can afford it travel to England for the treatment they need - over 1,000 women make that journey from Northern Ireland every year. Those that can't afford it, as appears to be the situation in this case, may take medication in an attempt to terminate their pregnancy - without medical supervision or

support."

### Anti-abortion group calls for life sentence

Pro-life campaign group Precious Life has called for an appeal against the sentence, alleging it was unduly lenient.

Precious Life director Bernadette Smyth claimed the judge had seriously undermined the legislation.

"The woman in this case accepts that she committed a crime by procuring her own abortion by purchasing abortion pills online," she said.

"Precious Life is very shocked that this judge's sentencing was so manifestly lenient in respect of such a serious crime, and is very concerned that this court judgment could set a very dangerous precedent for similar cases."

Ms Smyth said her group would be writing to Northern Ireland Attorney General John Larkin and Director of Public Prosecutions Barra McGrory in an effort to have the case referred to the Court of Appeal.

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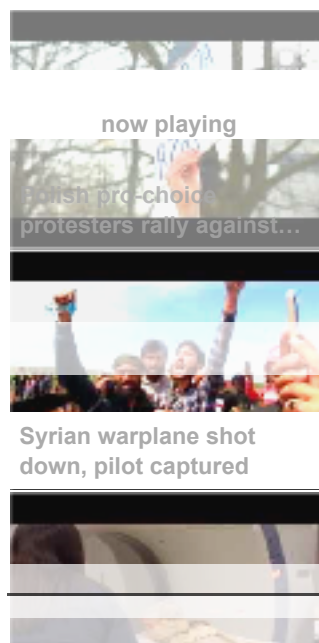
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