

**FROM: AMANDA PATTERSON
CRIMINAL JUSTICE POLICY AND LEGACY DIVISION
ACCESS TO JUSTICE DIRECTORATE
20 July 2016**

cc: see copy distribution
below

Claire Sugden

COR1115/16: LETTER FROM THE FAMILY PLANNING ASSOCIATION (FPA)

Issue: S. 40(2). FPA Director has written to you and the Health Minister giving an overview of the FPA's views on abortion law and asking for an FPA representative to sit on the proposed working group.

Timing: Routine

Presentational Issues: Nothing specific at this stage.

FOI implications: Consider for exemption, policy advice.

Financial implications: N/A

Legislation implications: N/A

Justice Committee implications: N/A

Executive Referral: N/A

Recommendation: That you send a brief response on the DOJ position and allow the Health Minister to reply on the substantive issues.

Background

The FPA has written raising a number of points on abortion law and health issues and to ask for a seat on the working group on fatal fetal abnormality.

Detail

2. The letter, apart from providing an overview of the FPA position on abortion, focuses primarily on health related issues surrounding the DOH guidance on termination of pregnancy and how the health service responds to women with a diagnosis of fatal fetal abnormality. It also touches, however, on the current ruling by the High Court on the ECHR compliance of the current law and the need to look at cases of sexual crime as well as FFA.

Recommendation

3. Given that the bulk of the letter focuses on health related issues and that DOH are primarily responsible for the administration of the working group, we recommend a short draft reply setting out the current Departmental position on FFA and sexual crime. The Health Minister's reply will deal with the membership of the group and the other health issues.

4. A draft reply is attached for your consideration.

APatterson

AMANDA PATTERSON
Head of Criminal Policy Branch

S.40

Cc
David Lavery
Brian Grzymek
Fionnuala Campbell
Tim Logan

S.38/S.40

Alison Grundle

S.38/S.40

DRAFT REPLY FOR SIGNATURE BY CLAIRE SUGDEN

Ms S 40(2)
**Family Planning Association
24-31 Shaftesbury Square,
Belfast
BT2 7DB**

Thank you for your letter of 29 June. I apologise for the delay in replying. I know that you have already received a response from the Health Minister.

I too would like to acknowledge the important role played by the FPA in the provision of sexual health services.

You asked about the working group on fatal fetal abnormality which was established last month to consider the health care provision for such cases, including the potential for legislative change. My Department's role will be to contribute to the work of the group on issues relating to the criminal law on abortion, drawing on previous work informed by the comprehensive public consultation exercise in 2014/15. The group will then make recommendations to both Health and Justice Ministers on proposals to submit to the Executive. The membership of the group has been published and the terms of reference illustrate who the group will engage with, where it is considered necessary over and above the previous consultation.

You also refer to the law on abortion for sexual crime. This is not part of the current working group's remit. The Department's consultation response document last year outlined the difficulties involved in legislating in this field and highlighted many problems which would not allow for early or easy resolution. The primary aim at this juncture is to address issues in relation to women facing a diagnosis involving a fatal fetal abnormality.

I hope this answers your questions.