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Ms Claire Sugden MLA
Minister
Department of Justice
Block B
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21 July 2016

Re: Interdepartmental working group on fatal foetal abnormalities

Dear Minister

Thank you for agreeing to meet on September 22nd. Meanwhile, I am writing to seek clarification with regard to the interdepartmental working group on fatal foetal abnormalities, the first meeting of which took place on Thursday, 14 July.

We note the working group was established to review access to abortion in Northern Ireland for those women and girls with fatal foetal diagnoses. Amnesty International is keen to understand what steps you will take to ensure that the human rights of women and girls to reproductive healthcare will be fully vindicated. Given that the group is scheduled to report to yourself and the Health Minister by the end of September, we are keen to understand the terms of reference (ToRs) and composition of the group, and opportunity for input by interested parties.

The High Court ruling of December 2015 means that the law governing access to abortion in Northern Ireland in cases of fatal foetal abnormality and sexual crime – found to be in breach of the rights of women and girls under the European Convention on Human Rights – is now in urgent need of amendment or replacement.

It has previously been recognised, under legal advice from the Departmental Solicitor's Office, that the lead responsibility for bringing forward such changes is the Department of Justice. As far back as 3 December 2013 then Health Minister Edwin Poots MLA confirmed to the Assembly:

...legal advice requested through the Departmental Solicitor's Office (DSO) has confirmed that the revised guidelines cannot change the options available to couples who face the very difficult and emotional circumstances of lethal foetal abnormality. Any changes around lethal foetal abnormalities would require amendments to criminal law, which is a matter for the Department of Justice (DOJ).

Accordingly, we asked the previous Health Minister Simon Hamilton to ensure that the FFA Working Group would operate on an interdepartmental basis with the Justice Department, were pleased when the Executive agreed with this position and now welcome the fact that you are working closely with the current Health Minister.

Amnesty International would expect that the Health Minister will wish to work with you and with

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other Executive colleagues in supporting you in bringing forward proposed changes to Northern Ireland law to ensure it is in compliance with international human rights standards. Further, given the High Court ruling, as well as advice from the Departmental Solicitor's Office, it should be clear in the ToRs of the working group that a change to the law will be required to bring about the presumed end-goal of making abortion access available to women and girls with fatal foetal diagnoses. Can you confirm that this is or will be the case?

In addition, in light of the High Court ruling, international human rights standards and in the interests of the health and human rights of women and girls in Northern Ireland, we would expect you to bring forward changes to the law to allow access to abortion in cases of pregnancy resulting from sexual crime. Can you confirm that this will be the case or explain how you plan to work to bring about these changes which, we appreciate, may lay outside the ToRs of this particular working group?

We further note former Health Minister Simon Hamilton, in his statement of 2nd March, noted that:

The views of clinicians in this field and those from a legal background will be important, and the working group will also consult with interested parties including those who have been affected.

Can you clarify which health and legal experts you have consulted with to date in shaping the terms of reference, approach and membership of the working group? Can you clarify which health and legal experts you intend to invite or have invited to be part of this working group and the criteria on which selection will be or has been based? Additionally, can you confirm what steps will be put in place to ensure input and representation from Amnesty International and the community and NGO sector?

Amnesty International has conducted research into the numerous barriers to accessing abortion for women and girls in Northern Ireland. I enclose a copy of this report, *Northern Ireland: Barriers to accessing abortion services*, which was published last year.

Amnesty interviewed medical providers, NGOs, civil society organisations, academics and others with expertise and experience in this area. We found a hostile environment for healthcare providers seeking to ensure women and girls' access to abortion services. Many interviewees also voiced concerns about a "postcode lottery" resulting in uneven care and access to abortion advice across the various NHS health trusts in Northern Ireland.

To be clear, Amnesty International calls on the authorities in Northern Ireland to ensure access to lawful abortion in line with international human rights standards, to remove the threat of criminal sanctions from women who undergo abortion and healthcare professionals who provide termination advice and services, and to provide access to termination of pregnancy procedures which are in line with international human rights standards and best practices for the provision of reproductive and sexual health care.

I would welcome an opportunity to discuss these matters with you and look forward to meeting you in September. Meanwhile, I look forward to receiving your response at the earliest opportunity.

Yours sincerely,

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Northern Ireland Programme Director / Head of Nations & Regions