

**FROM: AMANDA PATTERSON
CRIMINAL JUSTICE POLICY AND LEGACY DIVISION
ACCESS TO JUSTICE DIRECTORATE
12 January 2017**

cc: see copy distribution
below

Claire Sugden

**MEETING WITH EAMONN MCCANN: PROSECUTIONS FOR BUYING ABORTION
PILLS**

Issue: Briefing for meeting with Eamonn McCann on Tuesday 17
January at 16.00.

Timing: Routine.

Presentational Issues: Press Office will attend pre brief to assess presentation
aspects.

FOI implications: Policy development.

Financial implications: N/A

**Legislation
implications:** N/A

**Justice Committee
implications:** N/A

**Executive Referral:
Recommendation:** N/A
To note the briefing.

Detail

Eamonn McCann emailed you in November saying:

*'Given that every Party in the Assembly has said that women should not be
prosecuted for having abortions, I think I may have a legislative solution which
would leave the law on abortion exactly as it is but end these prosecutions.
Would it be possible to meet you to discuss this?'*

2. We have no knowledge of what the 'legislative solution' might be, but needless to

say it is difficult to imagine one which would allow the existing law on abortion to be left intact. The current law makes it an offence to procure drugs for abortion with the intent to cause a miscarriage. It is also an offence to take such drugs or administer them to someone else with the same intent. It is not an offence to simply possess the drugs providing there is no intent to use them. This law extends throughout the UK, but is only an issue in Northern Ireland as there is no need elsewhere for women to seek drugs from the internet when they are readily available through the legal framework for abortion in England, Wales and Scotland.

S. 35 (1) (a)

Update on current prosecutions

5. There are two cases progressing through the courts at present. One, the case of a woman who procured the pills for her 15 year old daughter in 2013, is due for trial next month. However, the defendant and her daughter have applied to the court for a judicial review of the PPS decision to prosecute and the leave hearing will take place on 26 January. If leave is granted, the criminal proceedings will undoubtedly be postponed again. The second case involves a man who procured the pills for his partner and both are facing criminal prosecution. Allegations were made in court earlier this week of 'unacceptable delay' but PPS say that this is not the case and no further delay is anticipated.

S. 31.

S. 31.

The meeting

9. As we cannot anticipate what the suggestion for a legislative solution might be, the meeting is simply an opportunity for you to listen to the proposals. Lines are also attached on the current position on abortion law.

APatterson

AMANDA PATTERSON

S. 40. |

CC Nick Perry
David Lavery
Brian Grzymek
Tim Logan
Ciara Dolan
Ken Mack

S. 38 / S. 40 |

Alison Grundle

Lines on abortion law and prosecutions

- The current law prohibits the procurement and use of abortion drugs throughout the UK, including under the 1967 Abortion Act, where abortion is only legal if carried out by a registered medical practitioner under the terms of that legislation.
- To buy pills on the internet with the intention of using them is an offence which will be investigated by the police. To take the pills with the intention of causing a miscarriage is also an offence.
 - These are, of course, operational matters for the police and the PPS. They are operating within a legal framework that requires that these actions are taken.
- Decisions on prosecution of women who have bought or used abortion pills are for the Public Prosecution Service.
- Medical issues relating to the use of abortion pills are a matter for the Health Minister.

Fatal fetal abnormality working group

- The Report by the Working Group has already been shared with the First Minister and Deputy First Minister.
- Health Minister and I will continue to work closely on this matter.
- Understand the desire to have this issue progressed as soon as possible.
- Conscious of the women whose lives are affected by fatal fetal abnormality.
- Health Minister and I had aimed to have proposals submitted to the Executive for their consideration and approval early in the New Year. Political events may prevent/have prevented that happening.

Publication

- It was always our intention to publish the report after it had been considered by the Executive.