

Handwritten: - I attach briefing on abortion

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From: Dr J J M Harbison

Date: 30 November 1995

Mr Conliffe
Mr Macrory
Mr Baker

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SoS MEETING WITH SACHR

1. Please see attached minute from Alan Adams commissioning briefing for the above meeting.
2. You will see the areas on which we have been asked to supply specific material:
 - i. Report to UN Committee on Rights of the Child;
 - ii. Progress Report on Pre-Employment Consultancy Service;
 - iii. doubts about establishment of voluntary children's homes on training school sites (this is down to CJSD, but I would like a note on the position please from DHSS' view); and
 - iv. arrangements for Northern Ireland Disability Council monitoring and enforcement role.
3. You will see that we are also encouraged to offer "positive briefing on other developments over the last 12 months from which both Government and SACHR can take satisfaction". Could you please consider any possible issues here possibly on the Children Order developments?
4. I am surprised that abortion is not on the agenda and would suggest that we prepare a note in case.
5. Briefing as you see should take the form of a Line to Take and a short Background Note using as starting point the material supplied for the SoS's written response to the last annual report. I will send copies of this to recipients of this minute.
6. Could I have material by close Monday 4 December please?

J J M HARBISON

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LINE TO
TAKE - SACHR
MEETING.
11/12/95

SECRETARY OF STATE'S MEETING WITH SACHR: 11 DECEMBER 1995

LAW ON ABORTION

Line to Take

- We considered very carefully the Commission's recommendations on the need for clearer abortion law.
- As outlined in my letter to Mr Hill in May of this year, my decision against proposing any changes to the abortion law at present took into account a number of factors, including that there is no clear consensus of opinion within Northern Ireland on a way forward.
- Successive Governments have been neutral on abortion issues and proposals for changes in the law on abortion in Great Britain have traditionally been decided on the basis of free votes with members voting according to their individual consciences.
- We would like to see the matter dealt with by a local Northern Ireland assembly in which the views of local people, through their representatives, could be taken fully into account.
- Improvements have been made in the quality of the surgical information recorded by hospitals, but more complete coverage than is currently being obtained is needed to provide a basis for reliable abortion statistics. Work is continuing to resolve the difficulties.

Background Note

1. In its 19th Annual Report SACHR recommended that:
 - the Government should bring forward options for clearer law,

- the Government should ensure that information on the practice of abortion is collated and that such data should be collected and held centrally by each of the Health and Social Services Boards,
 - the issue of pecuniary advantage should be removed from the debate.
2. Following comprehensive consideration of the sensitive issues involved, the Secretary of State wrote on 10 May 1995 to Mr Hill, the then Chairman of SACHR, informing SACHR that he had decided against proposing any changes to the law on abortion. The letter, a copy of which is attached, also indicated that work was proceeding on problems associated with the collection of abortion statistics.
 3. SACHR's 20th Annual Report contains no reference to abortion law. This may be due to the fact that the report deals with the 12 months up to 31 March 1995 during which time the Government had not responded in detail to the recommendations on abortion law made in the previous report.
 4. While SACHR did not respond officially to the Secretary of State's letter of 10 May, Simon Lee, a member of SACHR and former professor of Jurisprudence at Queen's University, has publicly criticised the response on the grounds that it failed to address specifically the SACHR contention that the law is unclear and uncertain.



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R Charles Hill Esq QC
Chairman
Standing Advisory Commission
on Human Rights
Temple Court
39 North Street
BELFAST
BT1 1NA

5 May 1995

Dear Sir

In my response to the Standing Advisory Commission's Nineteenth Annual Report I welcomed its interest in abortion law and undertook to give the Commission's recommendations careful consideration. I have now done so, and I am writing to inform you that I have decided against proposing any changes to the law on abortion in Northern Ireland at present.

In reaching this decision I am very conscious of the strongly held views of those who advocate reform of the law and those who oppose any change. Local politicians, churches and the overwhelming majority of the representations received by Government, have expressed consistently their opposition to changes in the present laws. At the same time, I am aware of a body of opinion within the Province which would support change and/or the clarification of the law. Your Commission has recommended that the Government should bring forward options for making the law clearer, and I am also aware of the legal opinion which has been expressed on the state of the present law.



The provisions of the 1967 Act were not introduced in Northern Ireland because the Government considered the reform of social law here to be a matter for a devolved administration at Stormont, reflecting the views of the people of the Province which sometimes differ from those expressed at Westminster. That is also the view of the present Government. We would wish to see a devolved administration established in Northern Ireland with powers to make its own legislation on certain matters, including abortion.

In Great Britain legislation on abortion has usually been at the initiative of a private Member of Parliament rather than the Government, with MPs voting according to their consciences rather than along party lines. No Northern Ireland MP has expressed any interest in introducing legislation on abortion. If such an interest were to be shown the Government would endeavour to facilitate it in its legislative programme.

Turning to your recommendation on abortion statistics, work is proceeding on identifying and resolving some of the problems with the quality of abortion figures in Northern Ireland. Although more remains to be done, improvements have been made to the quality of the diagnosis and procedure codes used by hospitals, which would form the basis of any future abortion statistics.

Ministers are mindful of the concern which has been expressed about some of the difficult consequences of the present laws for individuals and families, and of the



significant numbers of women from Northern Ireland who travel to Great Britain each ^{year} for abortions. I know you recognise that this is a complex and sensitive issue and that my decision not to initiate any action at present was taken only after a great deal of thought and discussion with my Ministerial colleagues.

I value highly the Commission's interest in the subject of abortion law and practices in Northern Ireland and welcome its positive contribution to the debate on abortion.

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