

By e-mail

Abortion Consultation
Northern Ireland Office
Stormont House
Stormont Estate
Belfast, BT4 3SH

16th December 2019

To whom it may concern,

RE: Consultation on a new legal framework for abortion services in Northern Ireland

The Northern Ireland Commissioner for Children and Young People (NICCY) was created in accordance with 'The Commissioner for Children and Young People (Northern Ireland) Order' (2003) to safeguard and promote the rights and best interests of children and young people in NI. Under Articles 7(2)(3) of this legislation, NICCY has a mandate to keep under review the adequacy and effectiveness of law, practice and services relating to the rights and best interests of children and young people by relevant authorities. The remit of the Office is children and young people from birth up to 18 years, or 21 years of age if the young person is disabled or in the care of social services.

In determining how to carry out her functions, the Commissioner's paramount consideration is the rights of the child and NICCY is required to base all its work on the United Nations Convention on the Rights of the Child (UNCRC).

NICCY welcomes the proposals to create a legal framework for abortion services in Northern Ireland under the legal duty to implement section 9 of the NI (Executive Formation and Exercise of Functions) Act 2019.

This brief advice will centre on the provision of the legislation as informed by the UNCRC Committee's Concluding Observations and Recommendations, 2016¹ specifically paragraph:

¹https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC/C/GBR/CO/5&Lang=En

65 (b) Ensure that meaningful sexual and reproductive health education is part of the mandatory school curriculum for all schools, including academies, special schools and youth detention centres, in all areas of the State party. Such education should provide age-appropriate information on: confidential sexual and reproductive health-care services; contraceptives; the prevention of sexual abuse or exploitation, including sexual bullying; the support available in cases of such abuse and exploitation; and sexuality, including that of lesbian, gay, bisexual, transgender and intersex children;

(c) Decriminalize abortion in Northern Ireland in all circumstances and review its legislation with a view to ensuring girls' access to safe abortion and post-abortion care services. The views of the child should always be heard and respected in abortion decisions.

Comments on proposals

It is known that in the last 3 year years (2016, '17 and '18) at least 102 young women from Northern Ireland, under the age of 18, accessed abortion services in England and Wales, of these 14 were under the age of 16². Therefore, there must be full consideration on the impact of these proposals on girls under the age of 18.

The Commissioner welcomes the fact that in accordance with the legislation, the proposed legal framework seeks to implement the recommendations in paragraphs 85 and 86 of the UN CEDAW report. NICCY supports the proposals insofar as they meet the first part of recommendation 65 (c) and paragraph 85 of the CEDAW report, as outlined in the Executive Formation... Act 2019 i.e. decriminalisation in all circumstances. However, we seek further information clarifying how these proposals will meet the needs those who are under 18.

The Commissioner also reminds the NIO of their duty to comply with S75 of the Northern Ireland Act 1998. As stated above, these proposals will directly affect girls so they must be consulted in relation to them, in line with the statutory equality obligations on designated public authorities under S.75 NI Act. Ongoing consultation, engagement with and feedback from children and young people is also essential in ensuring the Government's compliance with Article 12 of the UNCRC.

² <https://www.gov.uk/government/collections/abortion-statistics-for-england-and-wales>

We would be grateful if you would provide us with details as to how you have or intend to consult directly with those children and young people most likely to be affected by these proposals (ie aged 13 and above) as part of this consultation process. We also wish to request copies of an age appropriate version of this consultation document by return.

We remind the NIO of the full wording of recommendation 65 (c) of the Committee on the Rights of the Child which concerns child friendly and appropriate services that take account of the child's situation and capacity to access such services and consent to medical treatment.

NICCY draws attention to paragraph 86 of the CEDAW³ Report, which supports recommendations 65(b) and (c) of the UN Committee on the Rights of the Child (outlined above). Specifically para 86 (d) states:

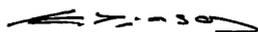
(d) Make age-appropriate, comprehensive and scientifically accurate education on sexual and reproductive health and rights a compulsory component of curriculum for adolescents, covering prevention of early pregnancy and access to abortion, and monitor its implementation;

The current content of the Relationship and Sexuality Education curriculum in Northern Ireland is currently advisory (and therefore optional) and therefore NICCY looks forward to seeing proposals with regard to the compulsory components of this curriculum as required by the legislation.

In summary we seek further information in regard to:

- the provision of tailored pre and post abortion services which support a girls'/young women's rights to healthcare; and
- proposals to implement a compulsory curriculum for adolescents.

Yours Sincerely



Koulla Yiasouma
Commissioner

³ <https://undocs.org/en/CEDAW/C/OP.8/GBR/1>