



Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

Inquiry concerning the United Kingdom of Great Britain and Northern Ireland under article 8 of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women

Follow-up report submitted by the United Kingdom of Great Britain and Northern Ireland*

I. Introduction

1. On 19 March 2019, the United Kingdom Government received a request from the Committee on the Elimination of Discrimination against Women (‘the Committee’), pursuant to articles 8 and 9(2) of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women “the Convention”. The request was to provide written information on measures to implement recommendations in its inquiry report into abortion in Northern Ireland ([CEDAW/C/OP.8/GBR/1](#)).
2. The UK Government welcomed the Committee’s inquiry into this important issue and the considered recommendations it had produced. The UK Government continues to take the Committee’s inquiry report and the issues it raises very seriously.
3. The UK Government provided written observations to the inquiry report on its publication in 2018 ([CEDAW/C/OP.8/GBR/2](#)). This response builds on the information contained in the 2018 written observations and provides an update on the recent developments in the UK Government’s position on abortion in Northern Ireland.
4. The UK Government recognises the sensitivities relating to the issue of abortion and the strongly held views by individuals, civil society, and the wider community on all sides of the debate in Northern Ireland. The UK Government also recognises the importance of ensuring women’s safety and well-being.
5. The Committee will be aware that political talks aimed at re-establishing the full operation of the democratic institutions of the Belfast Agreement remain ongoing

* The present document is being issued without formal editing.



at this time. The UK Government's absolute priority is to see devolved government restored in Northern Ireland at the earliest opportunity.

II. Constitutional framework

6. The Committee is aware that the issue of abortion is a devolved matter under the Northern Ireland devolution settlement. While Westminster retains power to legislate, that is subject to the Sewel Convention; and during the current period in the absence of devolved government, where the Secretary of State for Northern Ireland has sought to legislate in respect of devolved matters, this has only been where necessary to maintain the delivery of public services and good governance.

7. It remains the UK Government's view that questions of reform or legislative changes to the law or policy in relation to abortion law are matters that remain properly within the competence of the Northern Ireland Assembly and Executive.

III. Measures taken to implement the Committee's recommendations: recent developments

8. Since the publication of the Committee's inquiry report and the UK's observations in February 2018, in November 2018, the Northern Ireland (Executive Formation and Exercise of Functions) Act 2018 (NIEFEF Act) was passed. Section 4 of the NIEFEF Act requires the Secretary of State for Northern Ireland to issue guidance to senior officers of all Northern Ireland departments which will specify how to exercise their functions in relation to, inter alia, "the incompatibility of the human rights of the people of Northern Ireland with the continued enforcement of sections 58 and 59 of the Offences Against the Person Act 1861 with the Human Rights Act 1998". This guidance¹ was issued by the then Secretary of State for Northern Ireland, the Rt Hon Karen Bradley MP, in December 2018. The Secretary of State for Northern Ireland has also made three Written Ministerial Statements² to date, in accordance with the NIEFEF Act, on 29 January 2019 and 1 May 2019 and 4 September 2019 to provide an update on these issues.

9. On 25 April 2019 the House of Commons' Women and Equalities Select Committee ('WESC') published its report of the 2017-2019 session on abortion law in Northern Ireland. The report followed a WESC inquiry into Northern Ireland's abortion law which was announced on 20 September 2018. The UK Government's response³ to the WESC's report was published on 2 August 2019.

10. Following a Parliamentary vote, the Northern Ireland (Executive Formation) Act 2019, which received Royal Assent on 24 July 2019, places a duty on the UK Government to implement the Committee's 2018 recommendations via regulations for Northern Ireland. This duty will come into force on 22 October 2019 unless the Northern Ireland Executive is formed on or before 21 October 2019. This duty encompasses the decriminalisation of abortion, providing for abortion on specified expanded grounds under a medical system of regulation, and an interim moratorium on abortion-related prosecutions. The decriminalisation and interim moratorium provisions will come into force on 22 October 2019 and the regulations implementing the medical system of regulation will come into effect on or before 31 March 2020.

¹ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/765503/CCS1118086068_Cm9749_Web_PDF_-_Guidance_17_Dec_2018.pdf.

² <https://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Commons/2019-05-01/HCWS1530/>.

³ <https://publications.parliament.uk/pa/cm201719/cmselect/cmwomeq/2595/259502.htm>.

11. The Committee will appreciate that there are a range of sensitive policy issues that need to be carefully worked through between now and 21 October 2019 to take all necessary steps to ensure that we are ready to implement the 2018 recommendations by the relevant deadlines, if the Executive has not been restored. The UK's Northern Ireland Office and the Department for Health and Social Care are leading on this work with support from the Government Equalities Office. We have already begun confidential discussions with a range of medical professional bodies.

IV. Way forward

12. A period of public consultation will also begin shortly, if the duty comes into effect on 22 October 2019, to ensure that people in Northern Ireland and the relevant organisations can properly provide input and views. The Government is clear that this consultation will not be on the question of whether these changes should be made, but only on how the Committee's recommendations can best be implemented in Northern Ireland in accordance with the Section 9 duty under the Executive Formation Act.
