

NI abortion law incompatible with human rights, says Supreme Court

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The National Secular Society has reiterated its call for reform of Northern Ireland's abortion laws after a majority of Supreme Court judges said they were incompatible with human rights legislation.

On Thursday morning the judges [said](#) by a 5-2 margin that the current law on fatal foetal abnormality is disproportionate and incompatible with Article 8 of the European Convention on Human Rights. They said the same about laws on pregnancy as a result of rape and incest by a 4-3 margin.

Article 8 protects the right to respect for private and family life.

Judges called for reconsideration of the current legal position in NI, where abortion is banned except where a mother's life or mental health are considered in danger.

The court did not make a formal declaration that the laws were incompatible, saying that would have required a woman who was pregnant as a result of sexual crime or who was carrying a foetus with a fatal abnormality to bring the case.

It dismissed the case brought by the Northern Ireland Human Rights Commission (NIHRC) on the basis that it did not have the standing to bring proceedings. A declaration of incompatibility would have forced a review of the law.

Lady Hale, the president of the court, said the NIHRC's technical defeat "does not mean that it [the court's majority view] can safely be ignored". Lord Mance described the current legislative position in Northern Ireland as "untenable and intrinsically disproportionate" and said it "clearly needs radical reconsideration".

And in a section on Article 3, which protects people from torture, inhuman or degrading treatment, Lord Kerr wrote: "We need to be clear about what the current law requires of women in this context... They are forbidden to do to their own bodies that which they wish to do; they are prevented from arranging their lives in the way that they want; they are denied the chance to shape their future as they desire.

"If, as well as the curtailment on their autonomy which this involves, they are carrying a foetus with a fatal abnormality or have been the victims of rape or incest, they are condemned, because legislation enacted in another era has decreed it, to endure untold suffering and desolation. What is that, if it is not humiliation and debasement?"

The court's view is in line with the NSS's submission to the UN's Human Rights Council last year, when we said restrictions on abortion in NI were out of touch with international human rights norms.

After today's ruling our chief executive Stephen Evans said the judgement "makes the need for reform of Northern Ireland's abortion laws very clear".

"The court has clearly stated that the existing law is incompatible with human rights legislation. This must count for more than the theocratic urge to restrict women's reproductive rights."

Religion is a crucial reason for Northern Ireland's draconian restrictions on abortion. DUP leader Arlene Foster has [made clear](#) that religion is a crucial reason why the party has obstructed reform.

We've long called for these laws to change, most recently in the [aftermath](#) of the victory for the campaign to repeal the eighth amendment in the Republic of Ireland.

The court's recommendation also correlates with an official report, published in April, which [said](#) abortion should be legalised in cases of fatal foetal abnormality in NI.

Polls have consistently found a significant majority of people in Northern Ireland favour reform of the abortion laws. Last year one survey [found](#) that 73% of respondents thought abortion should be legal if foetuses have a serious or fatal abnormality and 78% thought abortion should be legal when women have become pregnant as a result of rape or incest.

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