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## **WRITTEN EVIDENCE OF THE CATHOLIC UNION OF GREAT BRITAIN TO THE WOMEN AND EQUALITIES SELECT COMMITTEE ON ABORTION IN NORTHERN IRELAND**

1. The Catholic Union of Great Britain is a non-party political organisation founded in 1870 to represent the views of lay Catholics on matters of concern in public affairs.

2. This evidence is provided in answer to the Committee's question:

*"What are the responsibilities of the UK Government under its international obligations for taking action to reform abortion law in Northern Ireland? How should these be reconciled to the UK's devolution settlement?"*

Summary:

- The UK Government is under no international obligation to amend the current abortion law in Northern Ireland.
- The view of a treaty monitoring body such as the CEDAW Committee falls far short of constituting an international obligation.
- The issue of abortion law remains one for the Northern Ireland Assembly.

### Abortion in International Law

3. No international treaty to which the UK is party refers expressly or impliedly to any right to abortion. Nor is there any right to abortion under customary international law. By contrast, there is in international law an express and clearly established right to life.

4. The European Convention on Human Rights does not provide a right to abortion. In A, B and C v Ireland (judgment of 16 December 2010), the European Court of Human Rights rejected the argument that Article 8 of the Convention conferred a right to abortion and held that Irish law which at that time prohibited abortion in all cases except risk to life of the mother did not violate Article 8. In para.213 of its judgment, the Court said:

“...Article 8 cannot be interpreted as meaning that pregnancy and its termination pertain uniquely to the woman’s private life as, whenever a woman is pregnant, her private life is closely connected with the developing foetus. The woman’s right to respect for her private life must be weighed against other competing rights and freedoms invoked including those of the unborn child...”.

#### The lack of authority of CEDAW recommendations

5. The UK is party to a number of UN treaties on human rights including the Convention on the Elimination of Discrimination Against Women.

6. Each of these treaties has a committee whose function is to receive reports from States Parties and to monitor those States’ compliance with the treaty. The CEDAW Committee, like the other Treaty Monitoring committees, is not a legal or adjudicative body. It has no authority to reach legally binding conclusions on the performance of obligations by States in particular cases nor on the interpretation of the treaty in general. States are entitled to decide whether or not to attach weight to the views of the CEDAW Committee depending the extent to which their views are based on sound legal reasoning or otherwise.

7. In R (on the application of A and B) v Secretary of State for Health [2017] UKSC 41 (para.35), Lord Wilson giving the judgment of the Supreme Court said:

“The conventions and the covenant to which the UK is a party carefully stop short of calling upon national authorities to make abortion services generally available. Some of the committees go further down that path. But, as a matter of international law, the authority of their recommendations is slight: see *Jones v Ministry of Interior of the Kingdom of Saudi Arabia* [2006] UKHL 26, [2007] 1 AC 270, para 23, Lord Bingham of Cornhill. At its highest

one can say only that there is a trend in some of the international material to which the current law in Northern Ireland runs counter.”

8. So in international law the position remains that States have discretion whether to prohibit abortion or to permit abortion in certain circumstances. The issue falls to be decided by the legislature in each State and the result is not dictated by international human rights law.

#### The role of the Northern Ireland Assembly

9. Even if it were thought that the law on abortion in Northern Ireland ought to be amended as a matter of policy as opposed to legal obligation, it should be for the Northern Ireland Assembly to decide in accordance with the UK’s devolution settlement and the principle of subsidiarity. This principle applies all the more in the present circumstances when a large proportion of the Northern Irish population is not represented at Westminster since their elected MPs have declined to take up their seats.

Catholic Union of Great Britain

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