

16 Cromac Place
Cromac Wood
Ormeau Road
Belfast BT7 2JB

T 02890269687
M 07408863176
E jcross@bma.org.uk

BMA

Northern Ireland

**Abortion Consultation
Northern Ireland Office
Stormont House
Belfast
BT4 3SH**

abortionconsultation@nio.gov.uk

5 December 2019

A new legal framework for abortion services in Northern Ireland

Dear Sir/Madam

The British Medical Association (BMA) is an apolitical independent trade union and professional association representing doctors and medical students from all branches of medicine across the UK. Our mission is we look after doctors so they can look after you. BMA Northern Ireland welcomes the opportunity to comment on the Northern Ireland's Office (NIO) consultation document on '*A new legal framework for abortion services in Northern Ireland.*'

BMA Northern Ireland has previously commented on various aspects of proposed changes to legislation and guidance documents on abortion and has called for greater clarity and protection for doctors, the right to conscientious objection and that women have access to safe healthcare. The recent guidance published by the NIO, '*UK guidance for healthcare professionals in Northern Ireland,*' in October 2019 provides greater clarity for doctors, removes the punitive criminal sanctions and provides for those

National director (Northern Ireland): Claire Armstrong

Chief executive officer: Tom Grinyer

Registered as a Company limited by Guarantee. Registered No. 8848 England.
Registered office: BMA House, Tavistock Square, London, WC1H 9JP.
Listed as a Trade Union under the Trade Union and Labour Relations Act 1974



British Medical Association
bma.org.uk/northernireland

doctors who wish to refrain from engaging in activity that they have a conscientious objection to¹.

Conscientious Objection

The BMA strongly supports the right of doctors to have a conscientious objection to participating in termination of pregnancy (except in emergencies, you must not refuse to provide treatment necessary to save the life of, or prevent serious deterioration in the health of, a person because the treatment conflicts with your personal beliefs²); and we believe doctors with a conscientious objection should not be marginalised. The BMA abhors any instances of harassment or discrimination of doctors on the basis of their views, either way, on abortion.

Intimidation of staff and patients

The BMA believes that the intimidation of staff who are providing a lawful and necessary service, and approaching women accessing these services who may already feel vulnerable, are unacceptable. As such we support the introduction of buffer zones.

Section 5 of the Criminal Law Act 1967

We also wish to reiterate the recommendation in the Government's response to the House of Commons Women and Equalities Committee report on abortion law in Northern Ireland that:

'The Attorney General for Northern Ireland should issue human rights guidance on Section 5 of the Criminal Law Act 1967 (Northern Ireland) similar to the guidance on social security to state that it will rarely be in the public interest to prosecute survivors of rape and incest, and professionals treating them, who have not reported the offence to the police.'

'The Attorney General for Northern Ireland should issue human rights guidance on Section 5 of the Criminal Law Act and doctors' duty of confidentiality to their patients.'³

¹ BMA has a range of resources on its website, available at <https://www.bma.org.uk/advice/employment/ethics/ethics-a-to-z/abortion>

² https://www.gmc-uk.org/-/media/documents/personal-beliefs-and-medical-practice_pdf-58833376.pdf?la=en&hash=BD5B72478B48DBC6A09E4787EC7C525F6050B62E, section 13 (accessed 3 December 2019)

³ Available at <https://publications.parliament.uk/pa/cm201719/cmselect/cmwomeq/2595/2595.pdf>

We hope you find our comments helpful and If you require any further clarification on any of the points we have raised, please do not hesitate to contact, Judith Cross, head of policy and committee services, jcross@bma.org.uk.

Yours sincerely,



Dr Tom Black
Chair of Northern Ireland Council

CONFIDENTIAL