

Mukungu, Kate ORCID: <https://orcid.org/0000-0003-3403-8165> (2018) But what do you do when you believe that the law is wrong?: Civil disobedience in pro-choice activism in Northern Ireland. In: North East Crime Research Conference, 25th April 2018, York St. John University, York, England.. (Unpublished)

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But What Do You Do When You Believe the Law is Wrong?

Kate Mukungu
North East Crime
Research Conference
25th April 2018



Current Situation

- ▶ Abortion is *mostly* illegal in Northern Ireland
- ▶ Exceptions are when the pregnancy has been deemed to threaten the life of the pregnant woman.
- ▶ Or, that the adverse effect on the woman's physical or mental health is both "real and serious" and "permanent or long-term".
- ▶ Difficult to meet threshold / services difficult to access

Current Situation

- ▶ In 2015/16 there were 16 abortions carried out in NI
- ▶ Persistent harassment of women who attempt to use services and the service staff - a form of anti-choice civil disobedience?
- ▶ Abortion reform in cases of fatal foetal abnormality, proposed by former Minister of Justice, was voted down in February 2016

Current Situation

- ▶ In April 2016 a young women was convicted for inducing an abortion using medication
- ▶ A case is ongoing for another woman, charged with procuring and supplying pills for her underage daughter
- ▶ No functioning Northern Ireland Assembly since January 2017

Current Situation

- ▶ Ongoing legal challenge by NI Human Rights Commission, based on argued breaches of European Convention of Human Rights
- ▶ Failed challenge by mother and daughter re. cost of travelling to Britain for daughter's abortion
- ▶ Dramatic u turn by Westminster on NHS funding of abortions in Britain (DUP “supply and confidence” deal and fears for Queen's speech)

Civil Disobedience



Civil Disobediences

- ▶ In May 2016 Diana King, Collette Devlin and Kitty O' Kane practiced civil disobedience following conviction of young woman in April 2016
- ▶ They presented themselves to a Police Station, accompanied by a solicitor, to confess procuring and supplying abortion pills on several occasions
- ▶ However, the chain of events that includes this civil disobedience started back in 2013

Civil Disobediences

- ▶ In 2013, dissatisfied with proposed legal changes, over 100 activists signed an open letter to the Northern Ireland Police Service. They claimed that they had procured and supplied pills.
- ▶ Inspired by the Manifesto of the 343 in 1971
- ▶ There was no police response, despite the media coverage given to signatories

Civil Disobediences

- ▶ In 2014, in a co-ordinated north / south exercise, abortion pills were transported by train from Northern Ireland to the Republic, designed to echo the contraceptive train
- ▶ Customs interceptions in Ireland make deliveries to NI a requirement, hence this civil disobedience
- ▶ Lots of other North South examples

Civil Disobediences

- ▶ In June 2015, the number of signatories of a second letter to NIPS, increased to 2015.
- ▶ They demanded they were arrested like the earlier mentioned mother - an unprecedented act of solidarity for an unprecedented prosecution
- ▶ This time the NI Ireland Police Service issued a statement through the media

“Abortion is a very emotive issue and, as police, our role is to uphold the law. It would depend on the specific circumstances of an incident as to whether or not an offence has been committed and each case would be investigated on its own merit.”

D.S. Andrea McMullan, 25 June 2015

Civil Disobediences



The Police Act

- ▶ On 8th March 2017, Belfast was an hosting International Women's Day event with Prof Angela Y. Davis as the keynote speaker
- ▶ Police entered the workshop of one of the organisers, Helen Crickard, with a search warrant, to search property and seize her computer, phone and bank statements
- ▶ Helen was notified in April that there would be NFA

How Did We Get Here?

- ▶ 1861 Offences Against the Person Act – ‘procuring a miscarriage’ or assisting a woman to do so punishable (theoretically) by up to life in prison.
- ▶ 1967 Abortion Act in Great Britain not extended to Northern Ireland – neither Westminster nor Stormont has shown sufficient political will
- ▶ The CJS is left to fill the political vacuum on a health matter that criminalises defiant women

Civil Disobedience Theory

“a public, nonviolent, conscientious, yet political act contrary to law usually done with the aim of bringing about a change in the law or policies of the government. By acting in this way one addresses the sense of justice of the majority of the community”

John Rawls, 1971

Civil Disobedience Theory

- ▶ Milligan (2013) disputes Rawls' view that civil disobedience has to be communicative, non-violent, and public
- ▶ Brownlee (2012) argues that the public nature of civil disobedience is more legally defensible than private disobedience, in relation to both conviction and necessity

Civil Disobedience Theory

- ▶ Williams and Blackburn (2014) note that the division between pro and anti choice is not solely about abortion, but abortion is symbolic of contested social, moral and political world views
- ▶ While examples of anti-choice civil disobedience is violent, they would argue that all pro-choice activism is violent, because it promotes the taking of the life of the unborn

UK Wide Considerations

- ▶ UK, through the Department for International Development, administers a fund with the following stated change outcome (one of four)

“women and girls are free from all forms of VAWG and the threat of such violence and have universal access to SRHR (including family planning, adolescents, safe childbirth, safe abortion, HIV and SRHR in emergencies)”

<https://www.ukaidirect.org/apply/jo-cox-memorial-fund-strengthening/theme-1-overview/>

UK Wide Considerations

“A rights-based approach to SRHR is critical in ensuring women and girls are empowered to access the services they need and have agency to decide whether and when to become pregnant and how many children to have, and that all men, women, girls and boys are empowered and able to make their own sexual and reproductive choices.”

<https://assets.publishing.service.gov.uk/media/5964b620ed915d0baf000167/Terms-of-Reference-Promoting-Sexual-and-Reproductive-Health-and-Rights-UPDATED.pdf>

How does sexual and reproductive rights get to be part of UK funding decisions internationally, when they are are not part of legislation throughout the UK?

The Convention on the Elimination of Discrimination Against Women (CEDAW) Committee found UK to be “in grave and systematic violation of women’s human rights, due to restrictive abortions laws in Northern Ireland.”

http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/GBR/INT_CEDAW_ITB_GBR_8637_E.pdf

As a voter in Britain, if you are, what does this mean to you? Does it feel like your business?

Threats to Abortion Reform

- ▶ DUP holding the balance of power in Westminster – (except where fear of falling off the edge of a cliff can be used to gain concessions)
- ▶ As with marriage equality, NI at risk of being left behind rest of UK and Ireland, should the Irish people vote to repeal the 8th amendment on 25th May
- ▶ Brexit and the loss of the European Convention of Human Rights

Opportunities

- ▶ The dysfunctionality of the NI Assembly means that now is time to put pressure on Westminster
- ▶ People in Britain appear genuinely shocked at regressive nature of NI politics towards gender justice - especially in the DUP – abortion, as an issue, is gaining momentum
- ▶ Genuine collaborative pro-choice activism, including civil disobedience e.g. Alliance for Choice

A4C Activists



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