

# **'IT'S BETTER TO LIGHT A CANDLE THAN CURSE THE DARKNESS' OUR EXPERIENCE AT THE AMNESTY INTERNATIONAL STUDENT CONFERENCE 2018**

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## **Introduction**



Amnesty International was established in October 1960 by barrister Peter Benenson. Almost 6 decades, and 7 million members later, they are still investigating, exposing human rights abuses and campaigning for change. Every year the Student Action Network hold a student conference for both individual students and student groups to have the opportunity to attend information sessions hosted by

guest speakers, participate in workshops and organise then conduct campaign actions. This year the event was held at Amnesty's UK headquarters, the Human Rights Action Centre in Shoreditch, London. On 3-4 November 2018, members of the committee of the Plymouth Amnesty Student Network Group arrived at New Inn Yard to represent the University. Attendees were Natasha Owen (Stage 3 LLB Law; Chair), Shannon Tucker (Stage 3 LLB Law; Secretary), and Elizabeth Coldman (Stage 3 Criminology; Treasurer).

## **Plenary 1: 20 Years of the Human Rights Act**

Felix Jakens, Head of Campaigns for Amnesty International, traced the story of Human Rights in the UK. An apt opening to the weekend, as the following week saw the 20-year anniversary of the enforcement of the Human Rights Act 1998. Firstly, Felix told us the history of the making of the Human Rights Act and that the 16 fundamental rights were to provide stability and justice following the end of World War II. He detailed the catalyst role the Magna Carta played in the 800-year timeline. Other noteworthy events include: the Peasant's Revolt in 1381 (the King had succumbed to their demands, yet upon the return of his army to the capital removed these grants); the 1819 Peterloo Massacre (armed soldiers attacked peaceful protestors demanding reform for parliamentary



representation); the issues of religious tolerance in the sixteenth century and more predominantly in the seventeenth and the suffragette and suffragists movements culminating in 1918 votes for women campaign. These events all led up to and informed more current issues of the defending and demanding of respect for human rights such as the Stansted 15, where political activists targeted a deportation plane (the case is ongoing at the time of writing) and the land law case of *Ghaidan v Godin-Mendoza* at the Supreme Court which we looked at in year one.<sup>1</sup>

Felix proceeded to articulate the importance of the Human Rights Act 1998 in society today. The HRA places a legal requirement for public authorities to comply with the European Convention on Human Rights (ECHR) and provides individuals with the right to bring a claim against any who are not compliant. Without the Act it is unlikely that the families of the Hillsborough disaster would have been able to overturn the 1991 inquest which blamed fans for the events of that day. Additionally, Maria Stubbings's family would not have been able to demand an inquest into the failings of the Essex police force against Maria who was murdered by her abusive former boyfriend, Marc Chivers, in 2008.



Today, the HRA is under threat of being repealed and replaced by a British Bill of Rights, as supported by Theresa May since she was the Home Secretary. This is worrying as the Act protects the rule of law and may contradict the UK's portrayal as a

'moral' leader on the international platform. The potential repeal of the HRA in conjunction with our withdrawal from the European Union and the Great Repeal Bill (also coined as 'Henry VIII powers') should be a cause for concern. As Felix explained, post-Brexit, there is a high possibility that any domestic legislation on Human Rights will not progress along with the European Charter on Fundamental Rights:

If there is one thing, we have learnt from history it's that human rights are not something we can take for granted' and with the uncertainty surrounding the Act we should not be to be taking the privileges it provides us for granted.

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<sup>1</sup> *Ghaidan v Godin-Mendoza* [2004] UKHL 30.

## **Plenary 2: Abortion Rights in Northern Ireland; #ItsTime**

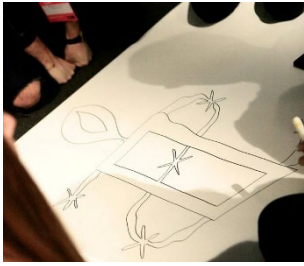
The second plenary included a video conference with the Amnesty office in Belfast. Grainne Teggart and Ruari Rowan discussed the circumstances women currently face in Northern Ireland, as well as the Private Members Bill currently in Parliament aiming to accomplish the decriminalisation, and thus bring Northern Ireland up to date with the rest of the UK's laws on the issue. Northern Ireland, despite being a part of the United Kingdom, is subjected to some of the strictest abortion laws in the world, with abortion being illegal in every sense.

This includes in cases of rape, incest and fatal foetal abnormality, which were decriminalised in England in 1967. If an individual wants or needs to terminate their pregnancy, they are forced to travel to other parts of the UK. However, this is not an option for every woman. Not everyone is physically able to travel (e.g. do not have a passport), nor financially able to.<sup>2</sup>



The process of going abroad adds to the negative impact on the woman mentally, to an already life-changing event which is never undertaken lightly. It forces desperate, vulnerable women into purchasing abortion pills online. If any of the above mentioned acts are discovered by the authorities, these women face prosecution which can entail harsh sentences and a criminal record. If not discovered, many women who use pills or other extreme methods (in an attempt to induce miscarriages) are often reluctant to seek medical care for fear of being turned into the police.

The only place for women to get an impartial pregnancy service is the Family Planning Association (FPA). The FPA are a non-directive, supportive organisation and the one place in Northern Ireland where a woman may receive information and advice on abortions, along with returning to receive support after having one. Inevitably, this has become more publicly known and Ruari talked about how they have daily protestors at their offices causing a negative impact on the service they provide. Women often get harassed as they go in, even if they are not there for information on abortions. They began using the fire exit as a method for women to leave but protestors will wait for them to leave the building regardless of which exit they may use, and some have then been followed down the street and intimidated whilst making their way back home.



The urgency to stop treating these women as criminals has peaked recently with the Republic of Ireland voting to 'Repeal the Eight', and a case Amnesty are currently working on with the FPA. A 15-year-old girl was a victim of abuse in her relationship, and this resulted in a pregnancy. Her mother purchased pills online to conduct the abortion. The teenager sought therapy following the abuse she had experienced through her GP. Her medical records were sent to the police without her consent. Interviews were conducted on an informal basis by the police, who reassured both her and her mother that nothing would happen, and they just wanted to help. There was no legal representative present. They ultimately revealed the truth, and now the mother is facing prosecution. She is facing 5 years imprisonment and a permanent criminal record.

Another example provided was a woman who had discovered from medical check-ups that her baby would not be able to survive outside the womb, if it managed to survive a full-term pregnancy at all. Technically, she was one of the rare exceptions that qualified for an abortion; however, it required two doctors' signatures. Medical professionals fear giving authority to abortions in the event that they could face legal repercussions themselves if it is later determined the abortion should not have been conducted. Consequently, the woman in question was forced to continue with her pregnancy. The foetus did not survive to full-term, and she was forced to give birth to a foetus that had already begun decomposing inside her body.

The speakers often referred to the politics behind the Abortion Bill. Due to the outcome of the 2017 summer election, the government has a direct link to the interests of the DUP. Since January 2017, Northern Ireland has not had a devolved government, therefore there is no-one present to legislate on their behalf at home. Rights of women are being compromised and it is Westminster's duty to ensure the human rights of its citizens (including residents of Northern Ireland) are upheld and safeguarded. The political barrier present is the Conservatives' reliance on the DUP's votes for the majority in parliament, thus they are likely to need to support the DUP's views on the Private Member's Bill in return for the DUP's support in passing other laws that are in the Conservatives' interests. The Second Reading is to be held on 25 January 2019, which has been further pushed back from the original date of 23 November 2018.

The extent of the abortion laws in Northern Ireland are not fully known to others in the UK and many are completely shocked when they discover the conditions these women are subjected to. They are treated as criminals. It can be difficult to comprehend how, in 2018, a first world country in



western society, a part of the UK no less, women are still being subjected to imprisonment or having to make what we can only imagine to be stressful and traumatic journeys to the mainland UK to carry out, what is now a simple procedure. It is a medical issue not a criminal one. The strict and outdated law imposes a religious viewpoint which violates the women it may come to concern by preventing their right to autonomy and equality.

**Editor's note:** the decision of the Supreme Court in *A and B, R (o/a) v Secretary of State for Health* 2017<sup>3</sup> is relevant here and was set as the case reading assessment for LLB Year 1 students 2017-2018 in LAW1208 Legal Systems and Skills where students were asked to compare the opinions of Lady Hale and Lord Wilson, also see James Gould's article in this issue about Lady Hale's wider approach to interpretation. The case concerned the issue of free provision of abortion on the NHS and the extent to which this applied to Northern Ireland residents as regards discrimination. The relevant statutory provision within s1(1)b) National Health Service Act 2006 referred only to the 'people of England', the legal issue was therefore whether women in Northern Ireland fell within this definition and consequently if the answer was in the negative whether there was a potential violation of Articles 8 and 15 ECHR. The authors and editor fully support Lady Hale's dissenting opinion that women from Northern Ireland should be treated equally in respect of being able to obtain the same service - free abortion - within Northern Ireland as their sisters this side of the Irish sea. Using the purposive approach Lady Hale underlined the 'fundamental values of autonomy and equality'<sup>4</sup> with an approach that was empathetic to the women affected and concerned for their human dignity. Unfortunately, leading the majority, Lord Wilson adopted a highly literal approach and policy led opinion that the wording of the legislation literally and expressly excluded women from Northern Ireland. In June 2017, in response to the Supreme Court decision and controversy it attracted, the Government authorised recompense to clinics that offered abortion services to women from Northern Ireland in effect making it free though travel costs still have to be paid. This led to a 14% increase (553 abortions) between June 2017 to March 2018 of such abortions after the announcement at an estimated cost of £1 million.<sup>5</sup>

<sup>3</sup> *A and B, R (on the application of) v Secretary of State for Health* (Rev 1) [2017] UKSC 41.

<sup>4</sup> Lady Hale at para. 95.

<sup>5</sup> 'Rise in NI women seeking free abortions', *BBC News*, 8 March 2018.