

Welfare policy in Northern Ireland inquiry

British Pregnancy Advisory Service submission to the Northern Ireland select committee
May 2019

The British Pregnancy Advisory Service (BPAS) is a British reproductive healthcare charity that offers pregnancy counselling, abortion care, miscarriage management, contraception and STI testing to 85,000 women each year.

BPAS has provided abortion care to women from Northern Ireland for 50 years. We currently run the Central Booking Service, funded by the Government and Equalities Office, which finds consultation and treatment appointments in England for women travelling from Northern Ireland for abortion care. We therefore have a unique insight in to the family planning considerations of women from Northern Ireland, and the factors that influence their decision making around ending or continuing a pregnancy.

BPAS are part of a broad coalition of groups including the Child Poverty Action Group, the Church of England, and Turn2Us who are raising concerns about the impact of the two-child benefit limit.

This response focuses on the impact of the two-child limit on families in Northern Ireland.

Key points

- The two-child benefit limit is predicated on the misconception that women are able to prevent unplanned pregnancy.
- No form of contraception is 100% effective, meaning women will become pregnant even if they take all reasonable steps to prevent increasing the size of their family. The majority of women who access unplanned pregnancy advice at bpas were using contraception when they conceived.
- The law in Northern Ireland means that if a woman has an unplanned pregnancy she is unable to access abortion in her own country
- The two-child benefit limit penalises women for continuing their pregnancy – a decision which the elected representatives from Northern Ireland repeatedly claim to support
- s5 of the Criminal Law Act (Northern Ireland) 1967 requires that anybody who has knowledge of a crime carrying more than 5 years in prison report it to the authorities. There is no legal exemption for people involved in helping women to apply for exemptions to the two-child benefit limit as a result of non-consensual conception

The impact on Northern Irish households

24% of households in Northern Ireland in receipt of Child Tax Credit currently have three or more children. Nearly 2/3rds of these families are in work.

The Impact Assessment carried out by HM Treasury and the Department for Work and Pensions when the Welfare Reform and Work (Northern Ireland) Act 2016 was brought in anticipated that by 2020/21, 20,000 households in Northern Ireland would be affected by the two-child limit.

The same assessment found that if families continued to make the same choices about ‘whether to have a family’ and the size of their family as they currently do, approximately 123,000 households in Northern Ireland will have a lower rate of payment than would otherwise have been the case.

Family planning and abortion in Northern Ireland

The two-child benefit limit assumes that decisions about the number of children a person can have can be neatly planned within existing legal restraints. This is far from the truth.

More than half of women who present to bpas for an abortion were using at least one form of contraception when they conceived. A quarter of women were using either hormonal contraception or long-acting reversible contraception (LARC) when they presented, all of which are more than 90% effective.

The driving claim behind the policy change is that it would incentivise claimants ‘*to think carefully about whether they can afford to support additional children*’.

Turn2Us have also reported a trend of women seeking information about what their entitlements would be if they were to continue with the pregnancy, citing that the benefit check would help them decide whether to continue with the pregnancy, or seek a termination. When asked by Turn2Us about the effect the two-child limit has had on them, one respondent answered that as a result of the two-child limit she ‘*had an abortion*’; another that she ‘*ha[d] to have an abortion as can’t afford another [child]*’. For some women, abortion is not an option, either for legal or personal reasons: ‘*I found out I was 5 months pregnant and now in a complete panic. I’m too far on for an abortion but have no way of supporting this child*’.

However, for women in Northern Ireland facing a pregnancy they feel unable to continuing, including for financial reasons, they are unable to access abortion care at home. In NI, abortion is illegal in all but the most exceptional of circumstances – even in cases of rape and incest. Women who cannot afford a third or subsequent child as a result of this policy are faced with three choices:

- Breaking the 1861 law which criminalises women ending their own pregnancy by buying pills online, risking prosecution and a jail sentence. This is not an empty threat – three prosecutions have been brought in Northern Ireland for consensual abortions in recent years.
- Travelling to Great Britain to end their pregnancy. Although women no longer have to pay to access care in Great Britain, and in some cases are also able to access funded travel and accommodation, there is no provision for essential aspects of travel such as childcare or travel to the airport. For many women, travelling to England for a termination is not an option; for financial reasons, because they are too ill to travel, because they lack the legal documents to leave and re-enter the country, because they’re too young to travel alone, or because they cannot escape a coercive relationship in order to travel.
- Continuing the pregnancy and risk plunging their family into even greater poverty.

‘Non-consensual conception’

Even in instances where a woman qualifies for an exemption because a child was conceived as a result of rape, she is required to recount the traumatic experience in order to avail of the exemption.

It also requires that a woman availing of this exemption is not living at the same address as her attacker, which automatically disqualifies anyone who has not yet, or cannot exit an abusive relationship.

One of the primary factors that leads women to remain in abusive relationships are practical barriers- their abusive partner controls the money they have access to so they cannot support their children otherwise, they fear the escalation in violence that often accompanies leaving a violent partner, or they fear having their children taken away. The way this exemption has been set up compounds the vulnerability of women by making demands that are impossible for many women to meet in order to be able to effectively support their children.

The aspects of abusive behaviour are also exacerbated by the law around abortion in Northern Ireland – where women may be unable to travel in order to end a pregnancy or where their abuser is able to threaten them with police involvement if they have ended a pregnancy with pills bought online.

In addition, s5 of the Criminal Law Act (Northern Ireland) 1967 requires that anybody who has knowledge of a crime carrying more than 5 years in prison report it to the authorities. There is no legal exemption for people involved in helping women to apply for exemptions to the two-child benefit limit as a result of non-consensual conception – which can create a chill factor for women who may fear that the rape may be reported without her consent.

The government statistics showed that in the first year of the two-child benefit limit, no households in Northern Ireland were exempt because of non-consensual conception. This should make it clear that this exemption is simply not working for women in Northern Ireland.

Equalities issues

In line with the Good Friday/Belfast Agreement, under s75 of the Northern Ireland 1998, there is a duty for any new or revised policy decision to be subject to equality screening. However, as the Assembly had been dissolved prior to introduction, this screening was not carried out. Based on recent correspondence with the Department for Families and Communities in Northern Ireland, despite an ongoing obligation to monitor equality impacts, there are no plans to carry out any equality impact assessments.

This fails to recognise the disproportionate impact this policy has on women, who make up 92% of lone parents in Northern Ireland. Almost half of all recipients of Child Tax Credit in Northern Ireland are lone parents, making clear that women are unduly affected.

The policy will also disproportionately affect families from certain cultural or religious backgrounds where there is a trend for bigger families or a moral opposition/conscientious objection to contraception, emergency contraception, or abortion. In addition, the specific circumstances of community differences in Northern Ireland indicates that certain communities may be disproportionately affected. For instance, 69% of people who are long-term unemployed in Northern Ireland are from the Catholic community.

Conclusion

The two-child limit has a particular impact in Northern Ireland because of the lack of reproductive choice that women experience as a result of the law.

The necessary result of this policy for women who are already living at or near the poverty line, therefore, is to either push them further into poverty, force them to travel to England for a termination, or criminalise them for ending their pregnancy in Northern Ireland.