

FOI 524-18/19

2 July 2018

Dear [REDACTED]

I refer to your email dated 8 June 2018 in which you asked for statistics on the number of prosecutions in Northern Ireland in respect of abortion offences under the Offences against the Persons Act 1861.

Your request has been dealt with under the terms of the Freedom of Information Act 2000.

Freedom of Information Act 2000

The Freedom of Information Act creates rights of access for any person making a request for information to a public authority. The rights of access are twofold. First, to be informed by the public authority if it holds information of the description specified in the request, and if that is the case, secondly, to be provided with that information. These rights are subject to important limitations, which are designed to achieve a proper balance between the right to know and considerations of law and policy in the broader public interest.

You had asked for the following:

"In the Scottish Parliament, Kezia Dugdale MSP advised in NI some women have received longer sentences for having an abortion than the men who raped them in the first place

Are statistics available indicating the number of prosecutions under the NI legislation re abortion or the 1861 Act dealing with offences against the person?

I have searched for a case as described by the MSP but so far unsuccessful. Can you refer me to a case on which she may have based this statement?"

In response to your request for statistics, please see the table below setting out data on prosecutorial decisions issued by the PPS in respect of abortion-related offences (Table 1). A list of the offences considered under the 1861 Act is also provided.

In summary, since 1 January 2010, a total of 7 persons have been prosecuted or diverted from the courts in respect of abortion-related offences. No prosecution decisions were issued in respect of a further 15 persons.

Of the 7 prosecuted or diverted, I can advise that 1 person was issued with a caution. Of the 6 persons prosecuted (5 cases) I can advise of the following:

- In case 1 the defendant pleaded guilty to all offences and was sentenced to imprisonment for 18 months for the abortion related offence.
- In case 2 the defendant had a mixed outcome, but was found not guilty of the abortion-related offences.
- In case 3 proceedings are ongoing.
- In case 4 the defendant pleaded guilty to all offences and was sentenced to imprisonment for 3 months suspended for 1 year.
- In case 5 the prosecution was withdrawn at court and the two defendants were both dealt with by way of a caution.

In respect of your query regarding the statement made by Ms Dugdale in the Scottish Parliament, based on the information provided it is not possible to identify the case(s) to which she refers.

If you are dissatisfied in any way with the handling of your request, you have the right to request a review in accordance with our review procedure. You should do this as soon as possible or in any case within two months of the date of this response and you can do so by writing to the Head of Policy and Information Unit, Public Prosecution Service, Belfast Chambers, 93 Chichester Street, BELFAST, BT1 3JR or alternatively by sending an e-mail to info@ppsni.gov.uk. You should state clearly the grounds on which you are requesting the review.

Alternatively, you may wish to apply directly to the Information Commissioner for a decision.

The Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Yours sincerely,



PPS FOI Section

Table 1:
Decisions Issued by the PPS for Abortion-Related Offences* between
1st January 2010 and 8th June 2018

	Prosecution/ Diversion	No prosecution	Total
Total	7	15	22

Please note that a breakdown by year was not possible in order to prevent the disclosure of small numbers.

* See list of offences considered below.

List of Offences Considered.

Complaint Offence Description	Complaint Offence Legislation
PROCURING OWN ABORTION	NULL
ATTEMPT TO ADMINISTER DRUGS TO PROCURE ABORTION	NULL
PROCURING FOR ANOTHER AN ABORTION BY ADMINISTERING A POISON	section 58 of the Offences Against the Person Act 1861
USING INSTRUMENT TO PROCURE ABORTION	NULL
SUPPLYING SUBSTANCE ETC. TO PROCURE ABORTION	section 59 of the Offences Against the Person Act 1861
PROCURING OWN ABORTION USING A POISON	section 58 of the Offences Against the Person Act 1861
PROCURING OWN ABORTION USING AN INSTRUMENT	section 58 of the Offences Against the Person Act 1861
ATTEMPT TO SUPPLY OR PROCURE POISON WITH INTENT TO PROCURE AN ABORTION	Article 3(1) of the Criminal Attempts and Conspiracy (Northern Ireland) Order 1983 and section 59 of the Offences Against the Person Act 1861
SUPPLY OR PROCURE POISON WITH INTENT TO PROCURE ABORTION	section 59 of the Offences Against the Person Act 1861
SUPPLY OR PROCURE INSTRUMENT W/I TO PROCURE ABORTION	NULL
SUPPLY OR PROCURE INSTRUMENT W/I TO PROCURE ABORTION	

