

# Should schools in Northern Ireland have to teach pupils that they have a right to abortion?

*A briefing on the Relationships and Sexuality Education (Northern Ireland) (Amendment) Regulations 2023*

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These Regulations were laid before Parliament on 6 June 2023 by the Secretary of State for Northern Ireland, and take effect on 1 July 2023. The date of implementation by the Department of Education is 1 January 2024.

The Regulations will be debated in a Delegated Legislation Committee on **Monday 26 June**, beginning at 6.00 pm, in Committee Room 11, Palace of Westminster. The Regulations will come up for forthwith approval on **Tuesday 27 June**. Unless the Government tables a motion to protect them, if any MP shouts “no” when the Question is put, the division will be deferred until **Wednesday 28 June**.

## WHAT DO THE REGULATIONS DO?

They will force all schools — regardless of their ethos, the religious or moral views of the head teacher and/or the board of governors:

- to teach children between 11 to 16 years of age that they have a right to abortion and how to obtain one without the knowledge of their parents,<sup>i</sup> and
- prohibit the presentation of any opinion opposed to abortion.

The explanatory note states that schools must not:

“...advocate or promote any particular opinion, on sexual and reproductive health and rights in accordance with the recommendations in the Report of the Inquiry concerning the United Kingdom of Great Britain and Northern Ireland under article 8 of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (“the CEDAW report”).”

## RELIGIOUS DISCRIMINATION

Forcing schools to promote and facilitate abortion is **not a neutral or value-free position**. The Regulations, therefore, are aimed exclusively at suppressing the expression of religious views opposed to abortion. This threatens the conscience rights of teachers and school governors protected by Article 9 of the European Convention on Human Rights. It also contravenes the terms of section 76 of the Northern Ireland Act 1998 which prohibits public authorities, such as the Department of Education, from discrimination based on religious belief or political opinion.

Section 75 of the 1998 Act, on the other hand, recognises the particular religious character of the role played by boards of governors in Northern Ireland when it lists them among the institutions exempt from the statutory duty “to have due regard to the need to promote equality...” between religious beliefs or political opinions, etc.

The regulations have been condemned by both sides of the religious community in Northern Ireland. The Catholic Bishops said in a statement: “Having already imposed some of the most radical abortion laws in the world on the people of Northern Ireland, without their consent, the Secretary of State

now seems determined to impose an ideologically biased view of abortion on all schools, irrespective of parental rights or school ethos,” and called for the regulations to be withdrawn.<sup>ii</sup>

The Transferor Representatives’ Council, which represents the Church of Ireland, Presbyterian Church and Methodist Church in education issues in Northern Ireland, has also expressed deep concern at the Secretary of State’s announcement on Relationships and Sexuality Education (RSE) and highlighted several flaws in a process of making policy for local schools from Westminster.<sup>iii</sup>

### CRITICISMS OF THE REGULATIONS

The regulations have been strongly criticised by the Secondary Legislation Scrutiny Committee. The points raised by the committee include:

- That the implementation schedule is rushed
- That there has not been a full public consultation comparable to when similar policy changes were made in England
- That regulations to ensure that parents have a right of withdrawal will not be in place when the policy is implemented
- That what constitutes “age-appropriate, comprehensive and scientifically accurate” guidance has not been defined
- That the regulations were brought into force the same day that they were laid, breaching the convention that at least 21 days should be allowed between laying an instrument and bringing it into effect

The report concluded: “When taken alongside the other concerns on timing outlined above, the House may wish to consider pressing the Minister to bring forward the necessary legislation to push back the implementation date. This could allow time for a public consultation and would ensure the policy can be fully developed.”

### CONCLUSION

These regulations seek to impose an ideologically biased view of abortion on all schools, contrary to legal protections against religious discrimination. They are also being rushed through without consultation, and in breach of parliamentary convention. They should be withdrawn.

**If you need any more information, please contact Liam Gibson, SPUC Northern Ireland officer, on [liamgibson@spuc.org.uk](mailto:liamgibson@spuc.org.uk), or 07984 990688.**

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### ENDNOTES

<sup>i</sup> In accordance with the “Fraser guidelines” that outline the circumstances in which children under 16 can access birth control and abortion without parental consent.

<sup>ii</sup> <https://www.catholicbishops.ie/2023/06/14/bishops-reject-westminster-regulations-to-make-teaching-on-abortion-access-compulsory-in-ni-secondary-schools/>

<sup>iii</sup> <https://trc-churcheducation.org/2023/06/06/transferor-representatives-council-expresses-deep-concern-at-announcement-on-relationships-and-sexuality-education/>



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