



PRESS RELEASE

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Consultation for a Command Paper on Abortion

Her Majesty's Government of Gibraltar is to commence a process of discussion and consultation with a wide cross-section of the Community that will include, but will not be limited to, Pro-Life and Pro-Choice groups who have already made their views publicly known and who have already met with the Chief Minister.

The decision of the Cabinet to proceed down this road follows the considered decisions of the Executive Committees of both the GSLP and the Liberal Party.

As the Chief Minister explained on "Direct Democracy" in early June, the process to be undertaken has been promoted solely by the decision in the Supreme Court of the United Kingdom in dealing with an appeal on the legality of the law on abortion in Northern Ireland, which is similar to Gibraltar's.

In that case, a majority of the court (Lady Hale, Lord Mance, Lord Kerr and Lord Wilson) decided that the current law in Northern Ireland is disproportionate and incompatible with Article 8 of the European Convention of Human Rights insofar as that law prohibits abortion in cases of (a) fatal foetal abnormality, (b) pregnancy as a result of rape and (c) pregnancy as a result of incest. Article 8 of the European Convention is similar to Section 7 of the Gibraltar Constitution Order 2006.

The Chief Minister, the Hon Fabian Picardo QC MP, said: "The decision of the Supreme Court in respect of the law in Northern Ireland means that we must now act to ensure compatibility of our Laws with the European Convention right of respect for privacy and family life and, more directly, our own Constitution. Our current law is therefore likely no longer Constitutional. As I explained on Direct Democracy last month, I therefore referred the matter to the Executive Committee of the GSLP and my colleague Dr Garcia referred it to the Executive Committee of the Liberal Party and then have put those positions to the joint Cabinet. I also had the chance to meet ERG and Unite on the Pro-Choice side and the recently formed Pro-Life group also. I was accompanied by Neil Costa, as Minister for Health, Care and Justice at both those meetings.

"I explained to Cabinet colleagues the positive, sensitive and caring attitude that I had noted in the presentations made to me by both groups. I also noted the areas of complete agreement between the groups as to the mechanism they considered should be pursued and the need for health and social support for women with unwanted or unexpected pregnancies. Both groups, for differing but convergent reasons which they advanced responsibly and convincingly, asked me to recommend to



the Cabinet that we should not have a referendum on the subject, as others had been promoting, and should instead pursue the Command Paper route for any changes that may be required or considered necessary to our laws.

As a result, I will now start a process of consultation - alongside a committee of Ministers working together on this matter - before the Government issues a Command Paper for the amendments to our Crimes Act that will be required. The Command Paper will require a further round of consultation on the draft Bill before the gazetting of a Bill for an Act. I expect the Command Paper will be ready for publication before the end of the summer.

I echo the attitude of both the Pro-Life and Pro-Choice groups who came to see me in calling for a measured and sensible debate in our community. The debate should be conducted in a spirit of mutual respect that does not see either side characterise the other as extremist or less deserving to be heard. The testimony of some of the women who have spoken out discloses the sensitivity that surrounds all aspects of the debate and we must be careful and respectful in our approach. We will therefore be working to deliver a proposal that is as close to a consensus as is possible in this difficult but unavoidable debate.

I will look forward to meeting again with the representatives of Unite/ERG/Pro-Choice and with Pro-Life groups, as well as any other relevant organisation that wishes to make representations to the Committee of Ministers. All can be assured of our careful consideration of any points they may wish to raise as we finalise our work on the Command Paper."