

Professor the Right Honorable Lord Alton of Liverpool



House of Lords

London SW1A 0PW

Hon Fabian R Picardo QC MP,
Chief Minister of Gibraltar,
No. 6 Convent Place,
Gibraltar,
GX11 1AA.

26th June 2019

Re/ Bill No. 4571 of 2019, Titled the “Crimes (Amendment) Act 2019”

Dear Chief Minister,

We, the undersigned, being public representatives from various jurisdictions are writing to you in relation to the Bill titled the “Crimes (Amendment) Act 2019” which proposes to introduce abortion for the first 12 weeks of pregnancy without restriction, and thereafter potentially up to birth in certain cases, including mental health grounds.

We note that you have justified the introduction of this proposed legislation based on a reading of a judgment given by the Supreme Court of the United Kingdom relating to the abortion laws in Northern Ireland.¹ Contrary to your stated position, we are unanimous in our view that this judgment creates no legal obligation on Gibraltar to introduce any changes to its law on abortion.

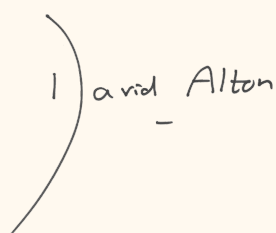
¹ In Re Northern Ireland Human Rights Commission’s Application for Judicial Review [2018] UKSC 27

The Government of Gibraltar, in common with all governments, has a duty to act in the public good and protect human life at all its stages. Scientifically and ethically it is clear that new human life begins at conception. The Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights as well as the Convention on the Rights of the Child, all require that governments protect the right to life in comprehensive terms. Additionally, the European Court of Human Rights has found that there is no “right” to abortion under the European Convention on Human Rights.² In the domestic law, the right to life has been enshrined in successive Gibraltar Constitutions (in 1969 and 2006).

The unborn child is a member of the human family, and their rights must be protected. Unfortunately, the legislation proposed by your Government would mean that longstanding Constitutional rights in Gibraltar law will be seriously undermined. We are aware that the proposed legislation has caused significant public concern, including a Petition signed by 36% of the electorate demanding that the right to life of the unborn should remain a paramount consideration. Yet, as matters stand, the proposed law will leave one of the most vulnerable groups in society, the unborn child, without sufficient protection.

We the undersigned, implore the Government of Gibraltar not to proceed with this proposal to remove legal protection from the unborn child, but instead work toward the protection of both mothers and their children and to continue to courageously uphold the most fundamental of all rights, the right to life.

Yours sincerely,

A handwritten signature in black ink that reads "David Alton". The signature is written in a cursive style, with a large, sweeping flourish on the left side that curves around the name.

Lord David Alton of Liverpool

Baroness Nuala O’Loan

² See for example, A, B and C v Ireland, Application No. 25579/05 [Grand Chamber].

Sen. Steve Daines,

United States Senator for Montana

Rep. Chris Smith

Congressman 4th District of New Jersey

Rep. Daniel Lipinski

Congressman 3rd District of Illinois

Rep. Vicky Hartzler

Congresswoman 4th District of Missouri

Rep. Ann Wagner

Congresswoman 2nd District of Missouri

Rep. Bill Flores

Congressman 17th District of Texas

Rep. Jeff Duncan

Congressman 3rd District of South Carolina

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Sir Jeffery Donaldson MP

Jim Shannon MP

Ian Paisley MP

Fiona Bruce MP

Sammy Wilson MP

Dr Tonio Borg, Former European Commissioner