

Catholic Bishops' Conference of Scotland submission of 5 April 2023

PE1969/G: Amend the law to fully decriminalise abortion in Scotland

The Bishops' Conference of Scotland is a registered charity and permanently constituted assembly which enables the Roman Catholic Bishops in Scotland to work together, undertaking nationwide initiatives through its Commissions and Agencies.

The members of the Bishops' Conference are the bishops of the eight Scottish Dioceses.

The Catholic Parliamentary Office is an agency of the Bishops' Conference of Scotland and part of its remit is to engage with the work of Parliament and Government.

The petition calls on the Scottish Parliament to urge the Scottish Government to bring forward legislation to fully decriminalise abortion services in Scotland and make provisions to ensure abortion services are available up to the twenty-fourth week of pregnancy across all parts of Scotland.

The petition states that the Offences Against the Person Act 1861 made abortion a criminal offence and that the Abortion Act 1967 sets out criteria where abortion may be permissible in law.

It is important to point out that the Offences Against the Person Act 1861 does not apply to Scotland. In Scotland, abortion is illegal at common law and not by statutory provision. The petitioner correctly points out that the Abortion Act 1967 sets out criteria where abortion is permissible in law. We are not aware of any recent prosecutions by Police Scotland under the common law offence of abortion.

Every abortion involves the taking of innocent human life. We appeal to the Scottish Parliament and Scottish Government in the strongest possible terms to acknowledge the reality of abortion, which is always fatal for the prenatal child.

If abortion is decriminalised in Scotland, it would:

- result in Scotland having one of the most extreme abortion regimes in the world, far removed from the 12-week abortion time limit of most EU countries;
- allow for abortion up to birth for any reason, including abortion on the basis of sex and for any disability, no matter how severe; and
- result in the removal of the requirement for two doctors to sign off an abortion which could endanger pregnant women by removing criminal sanctions for abortions performed in unsafe settings or under coercion.

Statistics continue to bear out that women from the most deprived areas of Scotland are twice as likely to have an abortion than women from the least deprived areas. This suggests that poverty plays a significant role in a woman's decision to have an abortion. There is an obligation on the state to support women and families that find themselves in such difficult circumstances and who feel that they have no other option.

It was recently announced that a new memorial book will be introduced in Scotland for those who have experienced a baby loss prior to 24 weeks. The new book will be accompanied by the launch of a new service which will allow parents to apply for a commemorative certificate to give recognition to the child they have lost. These commendable efforts to recognise the intrinsic dignity of the unborn child must not be contradicted by moves which fail to acknowledge that dignity and decree that those same lives are dispensable.

Article 6 of the UN Convention on the Rights of the Child, which the Scottish Parliament in 2021 voted to directly incorporate into Scots law, declares that States Parties must "recognise that every child has the inherent right to life." Moreover, the Preamble to the Convention specifically quotes the Declaration on the Rights of the Child which states that "the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, **before** as well as after birth."

The Scottish Parliament and Scottish Government ought to respect the terms of the Convention and reject the petitioner's proposal to decriminalise abortion.

Moreover, at the committee meeting of 22 March, the committee considered PE1996 Abortion Law (Disability). The committee agreed not

to advance that petition, “particularly given the Scottish Government’s position that it does not intend to amend the Abortion Act 1967.”

In responding to this petition PE1969, the Scottish Government has again stated that it has “no immediate plans to amend the Abortion Act 1967.” For consistency, we urge the committee to agree not to advance this petition.

We appeal to parliamentarians and political leaders to work to increase efforts to promote alternatives to abortion, to ensure support is available to women experiencing a crisis pregnancy, and to acknowledge and enforce equality of rights for the child in the womb, the first of which is the right to life.

The mark of a humane and compassionate society is to work through the difficulties and challenges women face in the case of a crisis pregnancy in a life affirming, not life destroying, manner.