

# Free Church of Scotland submission of 8 April 2023

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

The Free Church of Scotland welcomes the opportunity to provide a written submission in relation to Petition PE1969: Amend the law to fully decriminalise abortion in Scotland. We recognise abortion is an emotive issue but believe any move towards decriminalisation would be harmful to women and to society as a whole.

The UN Convention on the Rights of the Child (1989) states that the child “needs special safeguards and care, including appropriate legal protection, before as well as after birth”<sup>1</sup>. This recognises that abortion is not simply another medical procedure – there is another life involved, which is worthy of protection. The criminal law recognises the need to protect the child in the womb and any move to fully decriminalise would undermine the inherent value and worth of the child. It would also reduce the seriousness of a decision to seek an abortion.

We also note there have been calls in recent years to strengthen the protection of the child in the womb by introducing a new offence to deal with situations where assault to a woman results in the loss of the child in the womb<sup>2</sup>. This would be a positive move and is consistent with retaining the criminality of abortion. Decriminalisation would be a move in the opposite direction.

It is not clear how decriminalisation would work, but we note the petitioner’s suggestion this would broaden or abolish the number of categories for which an abortion could be carried out. We understand that decriminalisation would remove all restrictions and safeguards in relation to abortion. This could lead to a termination being obtained for any reason, could introduce the possibility of known sex-selective terminations and could allow a termination at any stage of pregnancy (even immediately preceding birth). This would represent a wide-ranging expansion of the current law and would cease to show any concern for the rights of the child.

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<sup>1</sup> Reaffirming the statement in the UN Declaration of the Rights of the Child (1959)

<sup>2</sup> <https://www.thenational.scot/politics/23121801.new-crime-needs-added-scots-law/>

Moreover, decriminalising abortion has the potential to further outsource the provision of abortion services. Decriminalisation could lead to deregulation and increased risks to women. There is also a strong and increasing association between deprivation and the rate of abortion. In 2021 the rate of abortion in the most deprived areas was almost twice as high as in the least deprived areas of Scotland<sup>3</sup>. Women from deprived areas are more likely to make use of abortion providers if abortion is decriminalised.

Any move to grant the petitioner's request would have serious consequences for the wellbeing of women. The decision of whether to have an abortion is already one of the most difficult decisions a woman can make during her lifetime. There are serious long-term consequences of a woman deciding to go ahead with an abortion<sup>4</sup>. From pastoral experience we know that many women who underwent an abortion years ago still suffer trauma and grief associated with that decision. Organisations that offer post-termination counselling often encounter women who underwent abortions years ago (in some cases 10 or 20 years ago) who are still dealing with the psychological impact. We believe more research is needed into the long-term psychological impact of abortion before any change that could increase the prevalence of abortions.

It has also been well documented that coercion and undue pressure are common issues connected with a woman seeking an abortion<sup>5</sup>. This can come both from the child's father but also often from other people such as the woman's parents. There can also be pressure from other third parties especially where the woman is caught up in prostitution or

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<sup>3</sup> <https://www.publichealthscotland.scot/publications/termination-of-pregnancystatistics/termination-of-pregnancy-statistics-year-ending-december-2021>

<sup>4</sup> There is a lack of good research into the psychological risks associated with abortion and more work needs to be done. See David C Reardon, "The abortion and mental health controversy: A comprehensive literature review of common ground agreements, disagreements, actionable recommendations, and research Opportunities". SAGE Open Medicine 2018(6), 1-38 and Edna M. Astbury-Ward, "Emotional and psychological impact of abortion: a critique". J Fam Plann Reprod Health Care 2008; 34(3), 181-184. See also "Induced Abortion and Mental Health: A Systematic Review of the Mental Health Outcomes of Induced Abortion, Including Their Prevalence and Associated Factors" ([https://www.aomrc.org.uk/wpcontent/uploads/2016/05/Induced\\_Abortion\\_Mental\\_Health\\_1211.pdf](https://www.aomrc.org.uk/wpcontent/uploads/2016/05/Induced_Abortion_Mental_Health_1211.pdf)) which states: "An unwanted pregnancy was associated with an increased risk of mental health problems." and the authors recommend that "In the light of these findings, it is important to consider the need for support and care for all women who have an unwanted pregnancy because the risk of mental health problems increases whatever the pregnancy outcome."

<sup>5</sup> See Hathaway J E, Willis G, Zimmer B, Silverman J G, "Impact of partner abuse on women's reproductive lives" Journal of the American Women's Medical Association 60 (2005), 42-45; Chibber KS et al, "The role of intimate partners in women's reasons for seeking abortion", Women's Health Issues 24 (2014), e131-38

human trafficking<sup>6</sup>. A coerced decision is not consent and more must be done to support women facing coercion. Decriminalisation would undermine the support that can currently be given by medical practitioners.

As Christians we believe all human beings have inherent worth and value, having been made in the image of God. We are concerned for the rights of the unborn child and believe more needs to be done to protect the child in the womb. We also are concerned about the impact abortion has on the health and wellbeing of women. We do not therefore share the State's view as to when abortion is permissible; indeed, we believe that there are few circumstances in which it is justified.

We believe any move towards decriminalisation would be harmful to the women involved and have a negative impact on society at large by devaluing the life of the child in the womb. As a church, we believe a truly compassionate future for Scotland is one where children are cherished, protected, and supported from conception until adulthood. And where each family has the support needed to welcome a child.

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<sup>6</sup> A recent survey commissioned by the BBC (<https://www.bbc.com/news/newsbeat-60646285>) found that 15% of British women had experienced pressure or coercion to have an abortion that they did not want. In addition, 3% of respondents said they had been given a substance or tablet to induce an abortion without their knowledge or consent. 5% said they had experienced physical violence with the intent to end their pregnancy.