

# British Medical Association (BMA) submission of 28 June 2023

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

The British Medical Association (BMA) believes that abortion should be regulated in the same way as other medical treatments. It supports the removal of criminal sanctions associated with abortion (the decriminalisation of abortion) for: women who procure and administer their own abortion; and health professionals administering abortions within the context of their clinical practice. The BMA believes that in these circumstances limits on the availability of abortion can, and should, continue to apply, subject to professional and regulatory rather than criminal sanctions.

At the most basic level, the decriminalisation of abortion involves the removal of some, or all, of the criminal sanctions associated with abortion, so that instead of abortion being a crime for which there are some exceptions, abortion should be lawful except in exceptional circumstances.

The BMA believes that abortion needs to be decriminalised to ensure the safe and timely delivery of abortion services in Scotland. Clinical care, professional practice and societal attitudes have changed significantly since the enactment of the current criminal law. We believe the law must be amended to reflect these changes.

The BMA encourages women to access lawful, regulated abortion services; but for a range of logistical, economic and social reasons, women are not always able to access these services. The fact that it is a crime does not stop some women accessing abortion via unregulated routes – for example by purchasing abortifacients online or by trying to self-administer an abortion by other means. The BMA believes it is critical in these cases that women feel able to access appropriate support and follow-up medical care, should it become necessary, without being deterred by the threat of criminal sanctions.

The criminal law may also be deterring healthcare professionals from providing lawful abortion services and thus restricting the services

available to women. Within the UK there have been a number of attempts to initiate criminal proceedings against healthcare professionals for carrying out what they considered to be lawful abortions. The stress associated with facing police questioning, or of being challenged through the media, should not be underestimated. The risk of criminal prosecution in such instances, as well as for procedural irregularities (such as failing to submit an abortion notification form within the required timeframe), has a chilling effect on healthcare professionals who are, or may be considering, participating in the lawful provision of abortion services. The BMA is concerned by the impact this has on the UK's ability to train and recruit the future workforce necessary to deliver safe, equitable abortion services.

To conclude, the BMA supports the removal of criminal sanctions for abortion, and for abortion to be regulated in the same way as other medical procedures.

We do not support deregulation, nor the removal of criminal sanction which apply in circumstances where:

- Individuals perform an abortion without appropriate training
- Individuals maliciously and covertly try to procure an abortion or administer an abortifacient without the woman's consent
- Individuals illegally supply abortifacients
- Individuals illegally procure abortifacients on behalf of others

For further details on the BMA's position, please see our [paper on the removal of criminal sanctions for abortion](#) and our [guidance on how services will be regulated](#) if the criminal sanctions for abortion are removed.