

Monica Lennon MSP submission of 23 October 2023

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

I support the aims of petition PE1969 to remove abortion from the criminal justice system in Scotland.

The petitioner, Gemma Clark, is a dedicated abortion rights campaigner. I am grateful to Ms Clark for lodging this petition. As a Central Scotland MSP and in my role as Convenor of the Cross-Party Group on Women's Health, I recognise that improving abortion care in Scotland, including decriminalisation, is an important issue to many people across the country.

Many people are unaware that abortion was never fully decriminalised in Britain, despite significant legal reform in the 1960s. Recent high-profile cases in England have brought these issues into sharper focus. Commenting on the criminal case involving a woman accused of inducing abortion, Humanists UK said: 'It is shocking that in 2023 in Britain a woman faces a sentence of up to life imprisonment for having an abortion under a law passed at a time when women could not even vote.'

The Abortion Act 1967 was approved following a compromise to create a legal defence, provided that a woman had the sign-off of two doctors and other similar regulations.

Currently, the only part of the UK where abortion is fully decriminalised is Northern Ireland. The new law was passed in 2019 by the UK Parliament to reflect the recommendations of the UN Committee for Elimination of Discrimination Against Women report on the UK.

On a point of accuracy, I understand that the petition originally referenced the incorrect statute (the Offences Against the Person Act 1861). However, I note that this has been clarified by the helpful SPICE briefing and in submissions from key organisations. I will turn to the fact in hand, which is that abortion is not fully decriminalised in Scotland under the Abortion Act 1967.

Abortion law was devolved to Scotland under Section 53 of the Scotland Act 2016. In 2022, the US Supreme Court delivered a historic ruling that

ended the nationwide right to abortion, impacting the lives of millions of women and transforming the political landscape. This contrasts with recent developments in Mexico, where abortion was decriminalised by the Supreme Court in September. Decriminalising abortion is an issue I first raised with the Scottish Government in 2017.¹

In June 2022 in collaboration with women's organisations and healthcare stakeholders, I called on the First Minister Nicola Sturgeon to hold an emergency summit on abortion care.² At the summit held on 27 June 2022, several policy areas of improvement were identified including telemedical abortion provision and buffer-zones. It was also raised that decriminalising abortion in Scotland would be a significant, yet appropriate next step, a suggestion that Ms Sturgeon was open to. Since then, a second abortion healthcare summit has taken place, and as successor to Ms Sturgeon, First Minister Humza Yousaf has said he intends to bring forward abortion decriminalisation legislation.

The Committee has received helpful submissions from the British Pregnancy Advisory Service, Abortion Rights Scotland, Engender and the BMA. I align with the positions expressed. It is also important that any discussions and decisions made by the Scottish Parliament and the Scottish Government are informed by the lived experiences of women and people who have experience of the current system.

As I am not able to attend the Committee session in person, I wish to put my support for the petition on record and to thank the Committee for its consideration of the petition's aims. I hope this is helpful.

¹ [Written question and answer: S5W-10236 | Scottish Parliament Website](#)

² [Meeting of the Parliament: 12/05/2022 | Scottish Parliament Website](#)