

Amendment to Domestic Abuse Bill to abolish abortion law (NC 29)

Key points

- The abortion lobby, led by the UK's largest abortion provider¹, has worked with Diana Johnson MP to bring forward an amendment (NC29)² to the Domestic Abuse Bill to 'decriminalise' abortion by repealing sections 58 and 59 of the Offences Against the Persons Act (OAPA).
- Yet, repealing sections 58 and 59 would do far more than simply decriminalise women, it would introduce **abortion on demand, for any reason, up until when a child is capable of being born alive, with a ceiling of 28 weeks**, removing almost all the legal safeguards (many of which protect women) around abortion provided by the Abortion Act (1967).³
 - While the initial push to 'decriminalise' would introduce abortion for any reason, up until when a child is capable of being born alive, with a ceiling of 28 weeks, abortion provider BPAS have made it explicit that they are campaigning for a situation that would remove all gestational time limits for abortion.⁴ This position has been affirmed by their CEO, Ann Furedi, who at the launch of the campaign to 'decriminalise' abortion stated, *"I want to be very, very clear and blunt... there should be no legal upper limit"*.⁵
- This would leave England and Wales with **one of the most extreme abortion laws in the world**. It would also position England and Wales drastically away from Europe where the median gestational time limit for abortion is 12 weeks.
- **Attempts to repeal sections 58 and 59 go against the tide of public opinion**, with only 1% of women wanting the time-limit extended beyond 24 weeks, and large majorities of women wanting more (not fewer) safeguards around abortion across a number of key areas.⁶
- The British public prides itself in being a reasonable, humane and tolerant society. Such an extreme and radical proposal has no place in the UK. Speak out against any moves to introduce a radical abortion regime into the UK and vote against any amendments that seek to introduce this proposal.

The effect of removing sections 58 and 59 of the Offences Against the Persons Act in England and Wales

As the Abortion Act (1967) was passed to create exceptions to sections 58 and 59 of the OAPA and Infant Life Preservation Act,⁷ a repeal of sections 58 and 59 of the OAPA would effectively result in the majority of the Abortion Act (1967) becoming moot. This means:

- There would be **no law regulating abortion up until when a child is capable of being born alive, with a ceiling of 28 weeks**.

¹ See: <https://wetrustwomen.org.uk/>

² https://publications.parliament.uk/pa/bills/cbill/58-01/0141/amend/domestic_rm_rep_0701.pdf

³ Specifically, the statutory presumption provided by the Infant Life Preservation Act is that the point at which a child is 'capable of being born alive' is 28 weeks. If sections 58 and 59 of the OAPA are repealed, before 28 weeks, it would be left to the health professionals involved with the abortion to decide on a case-by-case basis whether that particular child was 'capable of being born alive' at an earlier stage. In practice, it would be unlikely that the doctors involved in individual cases would have any interest in challenging the presumption in the Act, so this would likely usher in a 28 week limit (the time limit imposed by the Infant Life Preservation Act (1929)). For more information see: *BMA - Update on the decriminalisation of abortion* (March 2017) - <http://bit.ly/bmaupdate>.

⁴ See: <http://www.wetrustwomen.org.uk/about-the-campaign/>

⁵ See: https://www.youtube.com/watch?v=YF2H_WU_mKQ

⁶ This includes: 70% of women who want to see the current time limit reduced ■ 93% of women who agree that a woman considering abortion should have a legal right to independent counselling from a source that has no financial interest in her decision ■ 91% of women who agree that gender-selective abortion should be explicitly banned by the law ■ 84% of women who agree that women who want to continue with their pregnancies, but are under financial pressure to have an abortion, should be given more support. See: <https://righttolife.org.uk/polling/>

⁷ The Abortion Act (1967) creates exceptions to the Infant Life Preservation Act as it allows abortions post-28 weeks in certain circumstances. See: <http://www.legislation.gov.uk/ukpga/1967/87>.

- Abortion would be available on demand, for any reason up until when a child is capable of being born alive, with a ceiling of 28 weeks.
- An abortion could **be performed legally on any grounds**, which would allow for **sex-selective abortion**⁸
 - The Abortion Act provides that abortion can only be performed under specific grounds. Without this legal safeguard, it would allow for sex-selective abortions (this has been a problem in Canada,⁹ where similar changes were introduced), and abortions purely for social reasons
- There would be **no legal restrictions on places where abortions could be performed**,
 - Without this legal safeguard there would be no abortion legislation governing:
 - Mail-order abortions; abortion pills to be given out in schools; abortions performed in school nurse clinics; a proliferation of private abortion clinics; telemed abortions; pharmacists providing abortion pills over the counter.
 - Currently, apart from a temporary approval (set to expire when the temporary provisions of the Coronavirus Act 2020 expire) that allows women under 10 weeks to have abortion pills prescribed after an ‘electronic consultation’,¹⁰ women are required to be assessed in person before an abortion, which provides an opportunity for a one to one meeting.
 - It is much more difficult to assess if a woman may be suffering abuse or is being coerced or forced into an abortion over online communication, as an abuser (including those involved in sex-trafficking) could easily hide in the background of a video or phone call.
- A doctor would not be required to participate in an abortion procedure - healthcare assistants, nurses, and pharmacists could carry out abortions **without a trained doctor present in the case of a complication**.
- There would be **no legal requirement that two doctors must certify an abortion**.
- There would be no legal provision protecting **medical professionals’ freedom of conscience with regard to abortion**, which could result in doctors and other healthcare professionals being forced into choosing between performing an abortion or leaving their profession.
 - The Abortion Act (s. 4) prescribes conscientious objection rights for medical professionals. Without this safeguard, the following consequences would be possible:
 - Doctors, nurses, or other healthcare professionals being forced to perform abortions or leave their profession; doctors, nurses, or other healthcare professionals being forced to be complicit in the abortion process by having to refer to another doctor who will do termination (eg Victoria, Australia a doctor was investigated for not referring for a sex-selective abortion.)
- The situation would **likely allow for far greater abuses** than have already occurred under the current law:
 - Already within our current legal framework we have seen doctors pre-signing abortion forms¹¹, gender-selective abortions being offered¹², live babies being left to die following abortions that have gone wrong¹³ and children with minor disabilities, such as cleft palate¹⁴, being aborted. In this context, where the current law is supposed to be preventing such appalling practices, the thought of allowing abortion, on demand and removing legal safeguards is seriously worrying.

⁸Though we know this currently occurs. Also, see the following article; “Labour calls for ban on early foetus sex test,”

<https://www.theguardian.com/uk-news/2018/sep/17/labour-calls-for-ban-on-early-foetus-gender-test>.

⁹ See: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3281173/>.

¹⁰ See: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/876740/30032020_The_Abortion_Act_1967_-_Approval_of_a_Class_of_Places.pdf. This is dangerous and has already led to serious issues, and some women being provided pills though they are beyond ten weeks’ gestation, the legal time limit for said pills. For more see: <https://www.dailymail.co.uk/news/article-8349739/>

[Police-investigate-death-unborn-baby-woman-took-abortion-drugs-home-28-weeks-pregnant.html](https://www.dailymail.co.uk/news/article-8349739/Police-investigate-death-unborn-baby-woman-took-abortion-drugs-home-28-weeks-pregnant.html), <https://righttolife.org.uk/news/tag/diy-abortions>.

¹¹ See: <http://www.telegraph.co.uk/news/uknews/law-and-order/10807990/Pre-signing-abortion-forms-is-illegal-General-Medical-Council-admits.html>

¹² See: <http://www.telegraph.co.uk/news/health/news/9099511/Abortion-investigation-doctors-filmed-agreeing-illegal-abortion-no-questions-asked.html>

¹³ See: <http://www.dailymail.co.uk/health/article-512129/66-babies-year-left-die-NHS-abortion-wrong.html>

¹⁴ See: <http://www.dailymail.co.uk/news/article-3761905/Fury-number-abortion-cleft-lip-babies-rises-new-womb-tests-offered.html>

Where do women sit on this issue?

- Contrary to the rhetoric from the BPAS campaign behind this move, the position is radically out of step with the opinions of women on this matter:
 - Recent polling from Savanta ComRes on whether time limits for abortion should be increased showed that
 - **Only 1% of women wanted the time limit to be extended**, in contrast to **70% of women** who favoured a **reduction in time limits**.
 - **77% of women** agree that doctors should be required **to verify in person** that a patient seeking an abortion is **not under pressure from a third party to undergo the abortion**.
 - **91% of women** agree that **gender-selective abortion should be explicitly banned** by the law.
 - Responses to other questions from this polling show that women want more, not fewer, safeguards around abortion across a number of key areas.¹⁵ Full details of this polling are available at www.righttolife.org.uk/polling.
 - The Royal College of Midwives' support for the BPAS' abortion-up-to-birth campaign saw a serious backlash from over **1,000 midwives who protested** against the RCM's position and national opposition.¹⁶
 - Other evidence suggests that there is support for greater restrictions on abortion practice: A poll from March 2014 showed that **92% of women** agreed that a woman requesting an abortion should always be seen in person by a **qualified doctor**.¹⁷

Conclusion

- The British public prides itself in being a reasonable, humane and tolerant society. Such an extreme and radical proposal has no place in the UK.
- **Speak out against any moves to introduce a radical abortion regime into the UK and vote against any amendments that seek to introduce this proposal.**

¹⁵ See: <http://www.comresglobal.com/wp-content/uploads/2017/05/Where-Do-They-Stand-Abortion-Survey-Data-Tables.pdf>

¹⁶ See: <http://notinourname.co/#media>

¹⁷ See: http://comresglobal.com/wp-content/themes/comres/poll/Christian_Institute_Abortion_Survey_3rd_March_2014.pdf