



Abortion in the Crime and Policing Bill

Cross-party decriminalisation amendment briefing

Tonia Antoniazzi MP, along with more than 50 cross-party MPs, has laid an amendment to the Crime and Policing Bill which would ensure that vulnerable women in England and Wales would no longer be subject to years-long investigation, criminal charges, and custodial sentences for ending their own pregnancy outside the law. We ask MPs to support this amendment at report stage.

Top lines

1. **Women are being criminally prosecuted on suspicion of ending their own pregnancy under a law passed before women even had the right to vote.** In the past three years in England, 6 women have appeared in court charged with ending or attempting to end their own pregnancy outside abortion law. Abortion providers have reported that in recent years they have received c.100 requests for medical records from the police in relation to suspected abortion offences.
2. **Westminster voted to repeal the laws criminalising women in Northern Ireland in 2019.** These laws still remain in place in England and Wales.
3. **Supporting this amendment will not change abortion time limits or provision in any way.** It is solely a question of whether desperate, vulnerable women alleged to have ended their own pregnancies outside the law deserve compassion or criminalisation.

The current law

Abortion in England and Wales is still a criminal offence. Under the Offences Against the Person Act 1861, as well as the Infant Life (Preservation) Act 1929 (which criminalises later abortions), having or providing an abortion remains a crime that carries a life sentence. This is despite these laws having being repealed for Northern Ireland by Westminster in 2019 and 2020.

Women accessing abortion in Great Britain do so under the Abortion Act 1967. But this law did not decriminalise abortion – it simply made it legal in certain, fixed circumstances. Under current law, abortions must be signed off by two doctors, they must take place in a hospital or premises approved by the Secretary of State for Health, and women must meet one of seven criteria that allows abortion.

Any woman who undergoes an abortion without the permission of two doctors – for example by ordering pills online – can be prosecuted and receive a life sentence as her abortion takes place outside of the provisions of the Act.

The women affected

More than 100 women are believed to have been investigated by the police in recent years under archaic abortion law. The accounts below are real life examples of how the law currently treats these women.

- [Sammy](#), who went into premature labour at home and as she resuscitated her baby, seven police officers searched her bins before the paramedics had arrived. She was interviewed under caution for suspected illegal abortion and had her phone and computer seized. She was not allowed home for a week as it was sealed off as a crime scene, left in the clothes she was admitted to hospital in, and not allowed contact with her partner. She provided forensic samples that did not show the presence of abortion drugs, but for a year she remained under police investigation and was only allowed limited, supervised contact with her baby who had survived despite the traumatic birth.
- [Laura](#), who was at university and the mother of a toddler when she pled guilty to ending her own pregnancy using illicit medication. The prosecution told her that if she didn't plead guilty she would likely be jailed for life – she ended up being sentenced to more than two years in prison. She reports that at the time she was in a physically, sexually, and emotionally abusive relationship, and that her partner told her not to go to the doctor. When she was arrested, he told her that he would kill her if she told anyone he was involved. Her partner was never investigated by the police.
- [Sophie](#), a teenager who was arrested at midnight and held in custody for 19 hours on suspicion of ending her own pregnancy using illicit medication. The police raid was the first time her parents learnt that she had been pregnant. Despite being described by the prosecution as being vulnerable she faced two trials, maintaining throughout that she had had a traumatic stillbirth after only finding out she was pregnant after 24 weeks. After 6 years, the charge that she had ended her own pregnancy was dropped, but she received a criminal record under related laws.

The impact on abortion laws and provision

The changes proposed here would have **no impact on the provision of abortion care**, or the laws that govern doctors, nurses and midwives. Specifically:

- There would be **no change to the 24-week time limit** and in exceptional circumstances beyond;
- There would be **no change to the 10-week limit on telemedicine**, agreed by Parliament in 2022;
- Abortions would still **require two doctors' signatures** to be legally provided;
- Women would still have to **meet one of the grounds** laid out in the Abortion Act 1967;
- Non-consensual abortion would **remain a crime** at any gestation;
- Anybody, including a medical professional, who assisted a woman in obtaining an abortion outside the law would be **liable for prosecution**.

The global context

As it stands, England and Wales has the most severe penalty for having an 'illegal' abortion in the world – a maximum sentence of life in prison.

Even countries with strong anti-abortion laws do not criminalise women under their strict abortion laws, including the USA and Poland. When, in 2016, Donald Trump indicated he wished to see women criminalised, many firmly anti-abortion organisations across the USA made clear that this was not their position, with the Susan B Anthony list saying: *"We have never advocated, in any context, for the punishment of women who undergo abortion"*.

Across the world, nearly 50 countries, provinces, and territories do not criminalise women who seek to end their pregnancy outside the law. These include:



Northern Ireland



France



Ireland



Australia



Canada



New Zealand

Proposals for change

We believe that it is not in the public interest for this to be a criminal offence. The laws under which abortion is criminalised are up to 164 years old with the origins of some parts dating back to 1623 – they do not reflect society, and treat desperate women as having committed the same crime as a violent partner ending a pregnancy without consent.

For every woman who ends up in court, at least 10 others are subjected to prolonged police investigations which can prevent them from getting the mental health support they desperately need and which have resulted in existing children being separated from women whose cases never make it to court. Women deserve better, and we are therefore calling for:

Women to be removed from the Offences Against the Person Act 1861 and the Infant Life Preservation Act 1929 in relation to their own pregnancies – bringing England and Wales into line with Northern Ireland.