



Decriminalising abortion: what do patients and providers think?

On behalf on the SACHA Team:

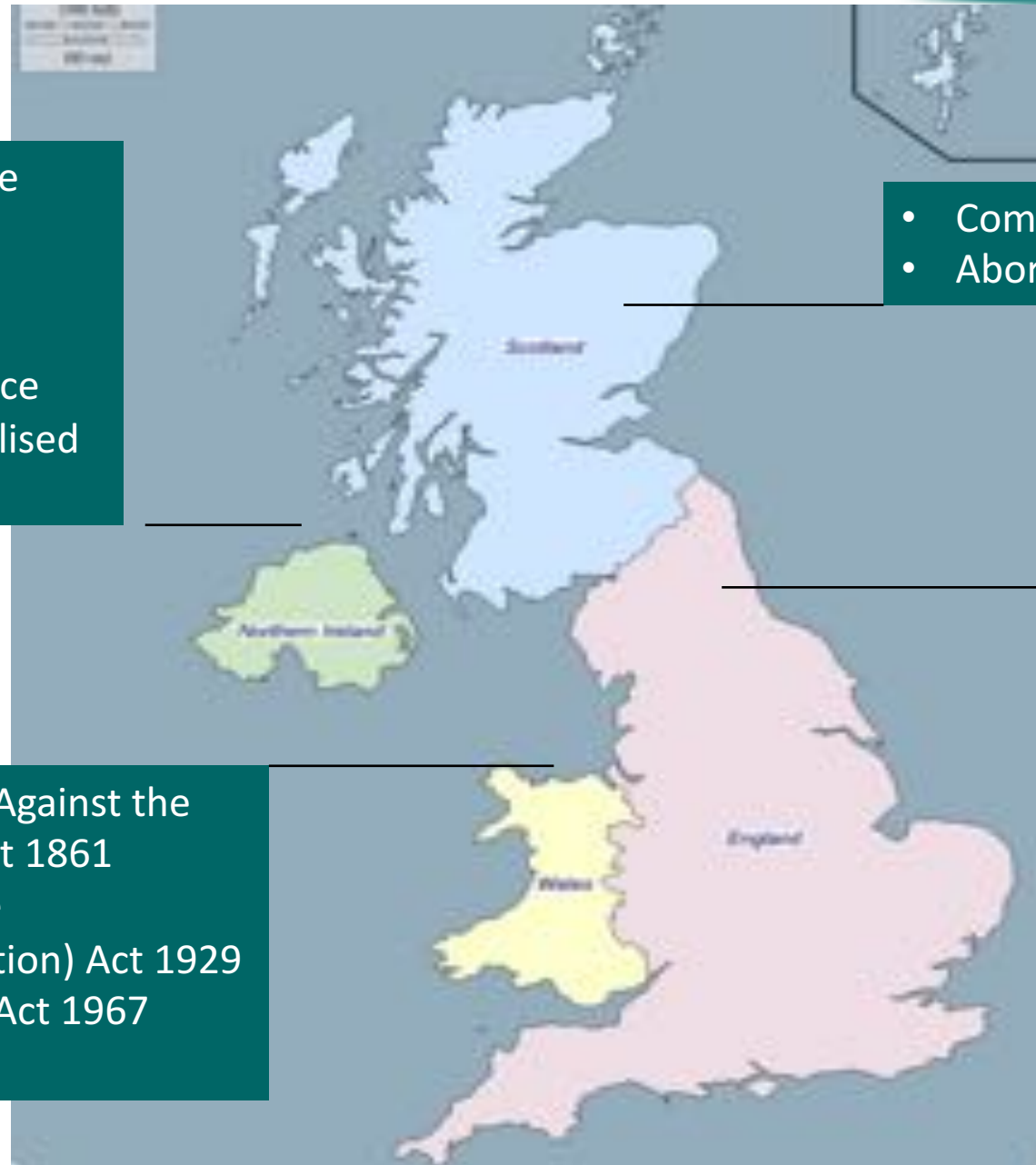
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- Offences Against the Person Act 1861
- Section 25 Criminal Justice Act 1945
- Common law defence
- Abortion decriminalised 2019

- Common law crime
- Abortion Act 1967

- Offences Against the Person Act 1861
- Infant Life (Preservation) Act 1929
- Abortion Act 1967

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Map of UK abortion law

Adapted from BMA.

Decriminalisation of abortion, 2017

Offences Against the Person Act 1861

“Every woman, being with child, who, with intent to procure her own miscarriage, shall unlawfully administer to herself any poison (...) or shall unlawfully use any instrument or other means (...) shall be guilty of felony, and being convicted thereof shall be liable (...) to be kept in penal servitude for life.”

“Whosoever shall unlawfully supply or procure any poison (...), or any instrument or thing whatsoever, knowing that the same is intended to be unlawfully used or employed with intent to procure the miscarriage of any woman, whether she be or be not with child, shall be guilty of a misdemeanour, and being convicted thereof shall be liable (...) to be kept in penal servitude.”



ANNO VICESIMO QUARTO & VICESIMO QUINTO

VICTORIÆ REGINÆ.

BY APPOINTMENT TO HER MAJESTY'S STATIONERY OFFICE

C. A. P. C.

An Act to consolidate and amend the Statute Law of England and Ireland relating to Offences against the Person. [5th August 1861.]

The Law: The Infant Life (Preservation) Act 1929

[1929, c. 34.] Infant Life (Preservation) Act, 1929. [Ch. 34.]



CHAPTER 34.

An Act to amend the law with regard to the destruction of children at or before birth. [10th May 1929.]

Enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—(1) Subject as hereinafter in this section provided, any person who, with intent to destroy the life of a child capable of being born alive, by any wilful act causes a child to die before it has an existence independent of its mother, shall be guilty of felony, to-wit, of child destruction, and shall be liable on conviction thereof on indictment to penal servitude for life.

Provided that no person shall be found guilty of an offence under this section unless it is proved that the act which caused the death of the child was not done in good faith for the purpose only of preserving the life of the mother.

(2) For the purposes of this Act, evidence that a woman had at any material time been pregnant for a period of twenty-eight weeks or more shall be prima facie proof that she was at that time pregnant of a child capable of being born alive.

2.—(1) A court of quarter sessions shall not have jurisdiction to inquire of, hear, or determine any indictment for an offence under this Act, or for an attempt to commit any such offence.

...the intent to destroy the life of a child capable of being born alive before it has an existence independent of its mother shall be guilty of felony....[unless] for the purpose only of preserving the life of the mother.

Abortion Act 1967

Two doctors must certify in good faith that one or more of the following conditions are met:

- 1) Continuation of the pregnancy would involve greater risk than termination to the physical or mental health of the pregnant woman or existing children of her family.
- 2) Termination is necessary to prevent grave permanent injury to the physical or mental health of the pregnant woman
- 3) Continuance of the pregnancy would involve greater risk than would termination to the life of the pregnant woman
- 4) There is substantial risk that if the child were born it would suffer from 'such physical or mental abnormalities as to be seriously handicapped'.



The SACHA Study

Aim: To provide an evidence base to inform the optimal configuration of health services and systems in line with changes in the legal and therapeutic context of abortion provision in the UK

Healthcare practitioner survey

Sampling: Healthcare practitioners working in general practice, maternity services, pharmacies, SRH clinics and specialist abortion services in England, Scotland and Wales

Method: Post survey conducted between Nov 2022 – August 2022

Data collected: Knowledge, attitudes and practices (actual or interest in) + socio-demographic characteristics

Preliminary analysis sample size = 358

Women's preferences in abortion care

Sample: 46 women aged 16-43 with recent experience of abortion (past 2-8 weeks) recruited from independent sector and NHS sites across England, Scotland and Wales,

Method: Semi-structured, in-depth interviews conducted between July 2021 – May 2022

Data collected: accounts of views on and experience of abortion

Requirement of two doctors' signatures

- Knowledge of requirement limited

Requirement of two doctors' signatures: Response of women who had had an abortion

that is absolute bollocks to be honest

Pointless...formality

out-dated

hierarchy of authority

anxious

That's just mind blown me

Two doctors probably don't know your life

Really?

setting me up to fail

policing women's bodies

appalling

stigma

a tad ridiculous

taking that choice away

Abortion is a criminal offence unless signed off by two doctors: Practitioners

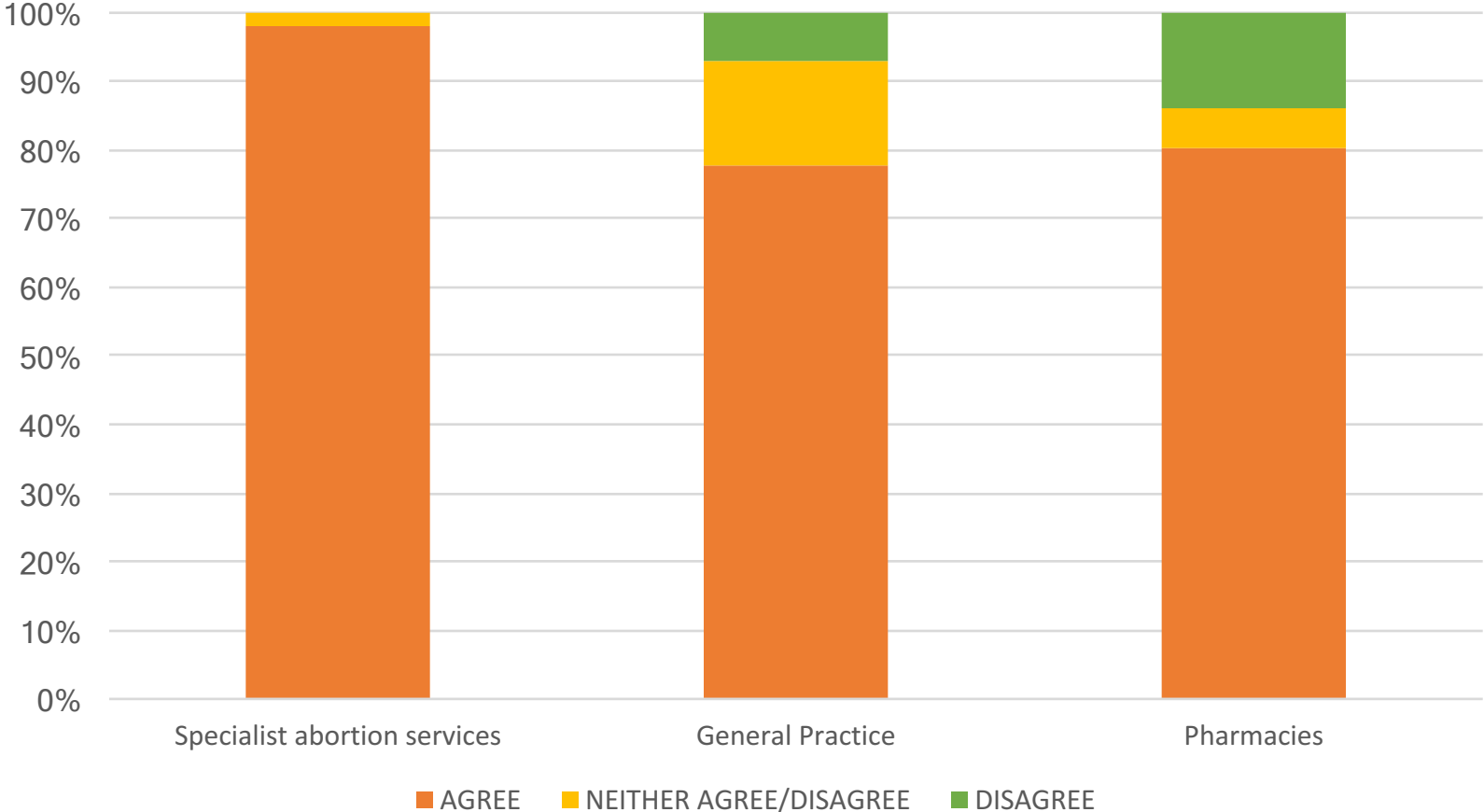


Requirement of two doctors' signatures

- Knowledge of requirement limited
- Removing control from those having the abortion

it's almost that you are taking that choice again away from the woman and you are saying, 'you can have this, but only if other people agree'. But it's my body. HMA, aged 26

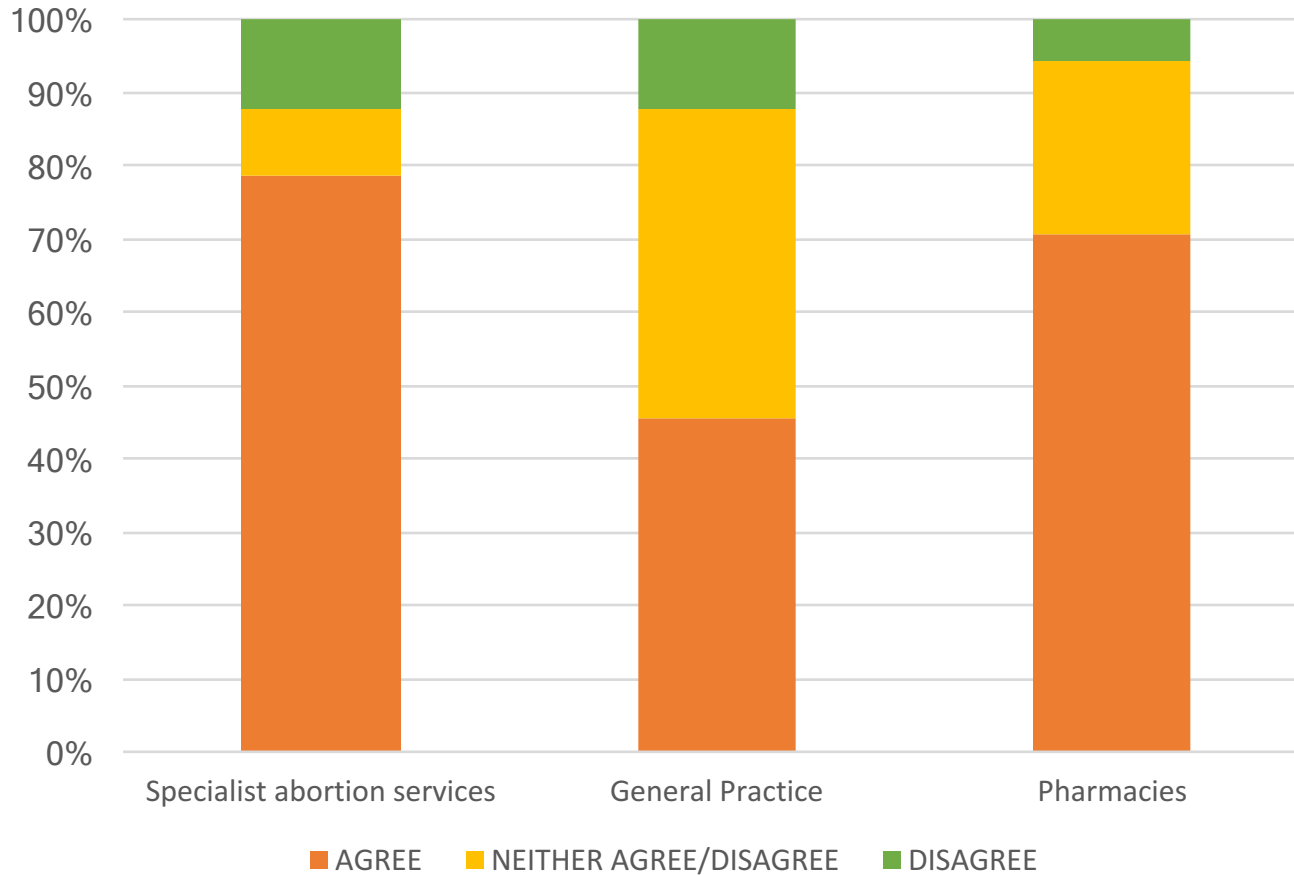
The choice to have an abortion should be completely that of the woman: Practitioners



Requirement of two doctors' signatures

- Knowledge of requirement limited
- Removing control from those having the abortion
- Safeguarding
- Health rather than legal issue

Abortion is a health not a legal issue: Practitioners



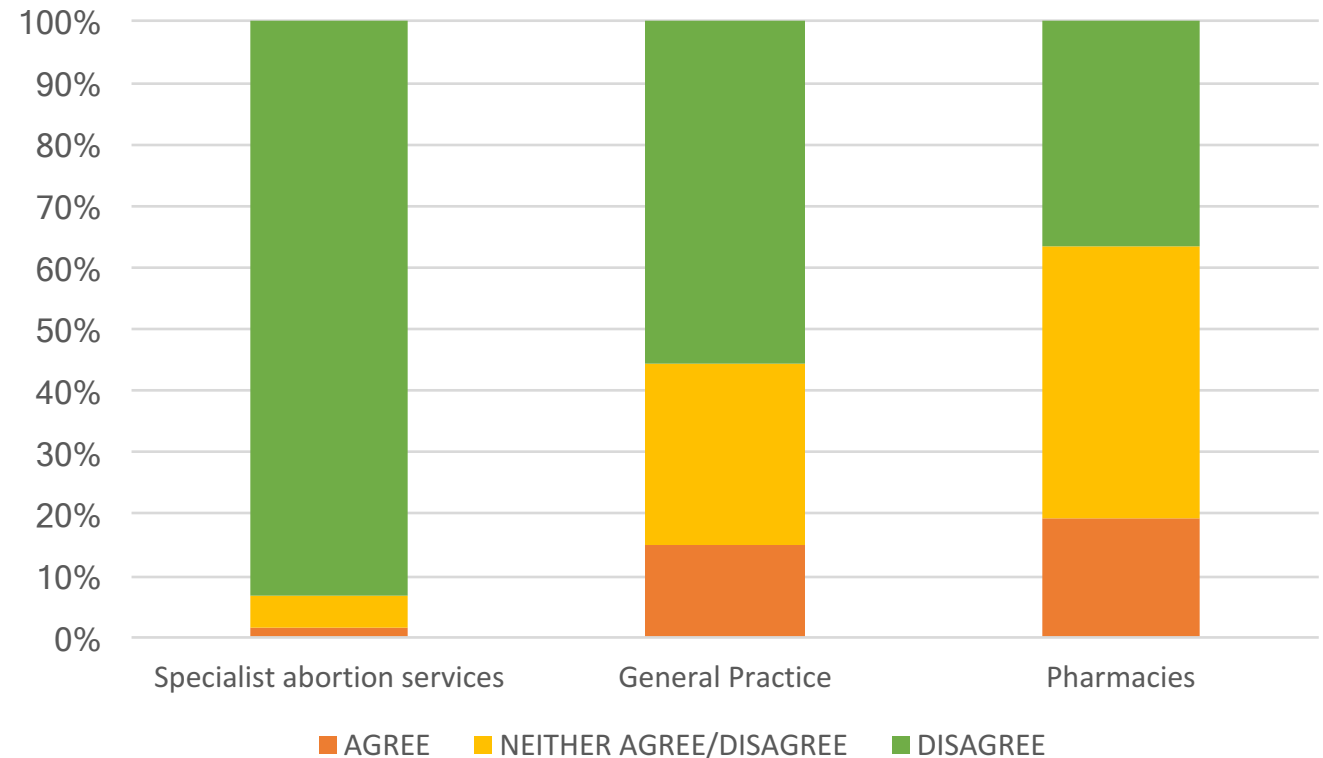
Gestational age limit

- Majority of women felt strongly felt that the limit should not be raised above 24 weeks, but exceptions needed e.g. women's life in danger
- Recognition of time pressures, particularly for EMA
- Capacity for life

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Abortion Should not be carried out after 12 weeks gestation: Practitioners



Views on home medical abortion following suspension of regulations

- Overwhelming support for reasons including:
 - convenience
 - comfort
 - greater autonomy
 - privacy
 - reduced stigma
- But, important there is choice around type and place of abortion
- Practitioners commented with greater decriminalisation and demedicalisation potential for extension of roles

Conclusions

- Legal requirements for two doctors' signatures and having to legally justify the reason for an abortion are outdated and remove patients' autonomy
- Lack of knowledge about current legal framework amongst women and some practitioners
- Decriminalisation would allow greater expansion of roles in abortion care, but conscientious objection remains a barrier
- Overwhelming support for home medical abortion, but importance to have choice
- Views of gestational age limits remain varied amongst women and practitioners (including those working in abortion services)

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Shaping abortion for change



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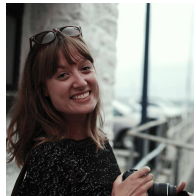
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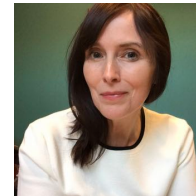
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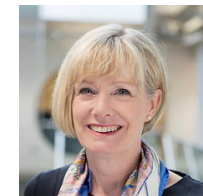
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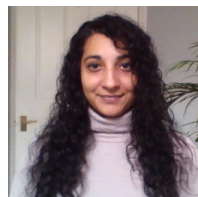
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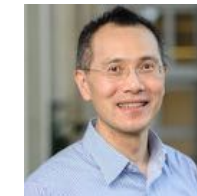
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