



Abortion Law Reform in Scotland: Lessons for Reproductive Rights Advocates

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The Need for Abortion Law Reform

- Scotland is a devolved nation of the UK. The Scottish Parliament has law making power for areas that are devolved to it by law (The Scotland Act 1999).
- Health was an original devolved area. Abortion was excluded. Not devolved until 2016.
- Regulated by the Abortion Act 1967 but the underpinning criminal law is very different to England and Wales.
- Creates confusion and uncertainty:
 - 'outdated, harmful and never in the public interest', (Engender, 2024)
 - 'remains obscure, outdated, and largely unscrutinised (MacMillan, 2025)
 - women and pregnant people face unnecessary medical gatekeeping when seeking to end a pregnancy... many people are forced to travel to England to receive an abortion beyond 20 weeks. (Humanist Society Scotland, 2025).

‘Reform of abortion law in Scotland is long overdue. The legal framework which currently governs when an abortion is permitted is made up of a patchwork of laws that stem from as far back as the 17th century. These measures largely reflect the eras in which they were introduced, and the degrees of patriarchal control women were subject to at the time. The law is therefore out of step with the experiences of women in modern Scotland for whom abortion is routine healthcare, accessed by around one in three in their lifetimes.’ ([Engender, 2024](#))

Scotland: Does the Political and Cultural Situation Lend itself to Abortion Reform?

- SNP Government since 2007
- Culture of legal Nationalism and Exceptionalism.
- Scottish legal profession is protective of Scotland's 'unique' legal system.
- Scottish Government historically receptive to international influence. Strong attachment to rights-based international practice.
- Clashes with UK government over gender recognition reform and incorporation of UNCRC.



What Led to the Review? Abortion in the Media and in Civic Life (2021-2025)

- Abortion has been described as a 'quiet' issue in Scottish politics and society: Some vocal anti-choice groups but traditionally not antagonistic.
- Recent media attention on lack of later term provision and clinic protests, which was successfully leveraged by activists to push for reform of 1967 Act.
- SNP leadership election- abortion on the agenda due to attention on candidates' personal beliefs and voting records.
- Creation of Expert Group to Review Abortion Law in Scotland.

Expert Group on Abortion Law Reform

- <https://www.gov.scot/publications/review-abortion-law-scotland-expert-group-report/documents/>
- Reform focused around 3 areas:
 - gestational limits and grounds;
 - pathways to abortion care (including patient and provider pathways, data and reporting, and conscientious objection); and
 - offences (including patient and provider offences and third-party offences).
- sets out 36 recommendations,
- most significant:
 - remove the requirement for any grounds to be met and for two doctors to agree to an abortion before 24 weeks gestation,
 - to enable any appropriately trained healthcare professional to provide an abortion,
 - to amend the Grounds for an abortion over a 24 week gestational limit (while still requiring two doctors to agree), and
 - to remove women from any criminal law relating to abortion.

Reception of the Group's Report

- <https://www.bbc.com/news/articles/crre45x7n8jo>
- <https://www.christian.org.uk/news/scots-report-pushes-extreme-abortion-agenda/>
- <https://www.telegraph.co.uk/politics/2025/11/19/snp-hands-13m-taxpayer-money-to-pro-abortion-group/>
- <https://www.dailymail.co.uk/news/article-15294853/SNP-talks-sex-selection-abortion-legal.html>

What Happens Now?

- No time for current Parliament to progress. Election in summer 2026.
- Rise of regressive politics in UK.
- Increase anti-abortion rhetoric from USA.
- JD Vance criticized Scottish Government for Buffer Zone legislation.

What about England & Wales?

- Reform in England and Wales is also long overdue.

What about England & Wales?

(cont.)

	Sponsor (political party): short title	Means of introduction and year	Select summary of major measures proposed. NB measures that passed into law are listed in bold. Measures likely to have restricted access to abortion services are given in normal typeface; those likely to have had a liberalising effect are italicised	Discussion at pages:
57	Fiona Bruce (Con): Abortion (Cleft Lip, Cleft Palate and Clubfoot) Bill	Presentation 2020	To provide that cleft lip, cleft palate and clubfoot are not to be counted as 'substantial handicaps' for the purpose of the fetal anomaly ground	p. 243
58	Rupa Huq (Lab): Demonstrations (Abortion Clinics) Bill	TMRB 2020	<i>To prohibit abortion demonstrations within a 150 metre 'buffer zone' around abortion clinics</i>	pp. 256–257
59	Diana Johnson (Lab)	Amendment of Domestic Abuse Act 2021	<i>To remove the requirement for a woman to attend a hospital or licensed premises for abortion in cases where she is believed to be subject to coercive control</i>	pp. 259–260
60	Rupa Huq (Lab) and Diana Johnson (Lab)	Amendment of Police, Crimes, Sentencing and Courts Bill 2021	<i>(Huq): To prohibit anti-abortion protests within 150 metres of abortion clinics</i> <i>(Johnson): To decriminalise abortion before viability and to introduce a new offence of non-consensual abortion</i>	
61	Maria Miller (Con)/Diana Johnson (Lab), Fiona Bruce (Con) and Carla Lockhart (DUP), Baroness Liz Sugg (Con)	Amendment of Health and Social Care Bill 2021	<i>(HC): (Miller/Johnson): To exclude a woman's criminal liability for procuring her own abortion pre-viability</i> <i>(Bruce): To reduce the upper time limit for most abortions to 22 weeks</i> <i>(Lockhart): To make abortion on the grounds of fetal anomaly subject to the same upper time limit as most other abortions. To provide that abortion on the grounds of fetal sex is illegal</i> <i>(HL): (Sugg): To maintain provision of telemedical early medical abortion services</i>	p. 260

What about England & Wales?

- Reform in England and Wales is also long overdue ... but has been given added urgency by clinical developments (particularly TEMA) and spate of recent prosecutions.
- Limited reform amendment currently before Parliament: aims to remove the possibility of prosecuting women acting with regard to their own pregnancies.
- The climate seems ripe for more wide-ranging reform.

National

Saturday 17 May 2025

Prosecuted, shamed and traumatised for mistake of taking abortion pills too late



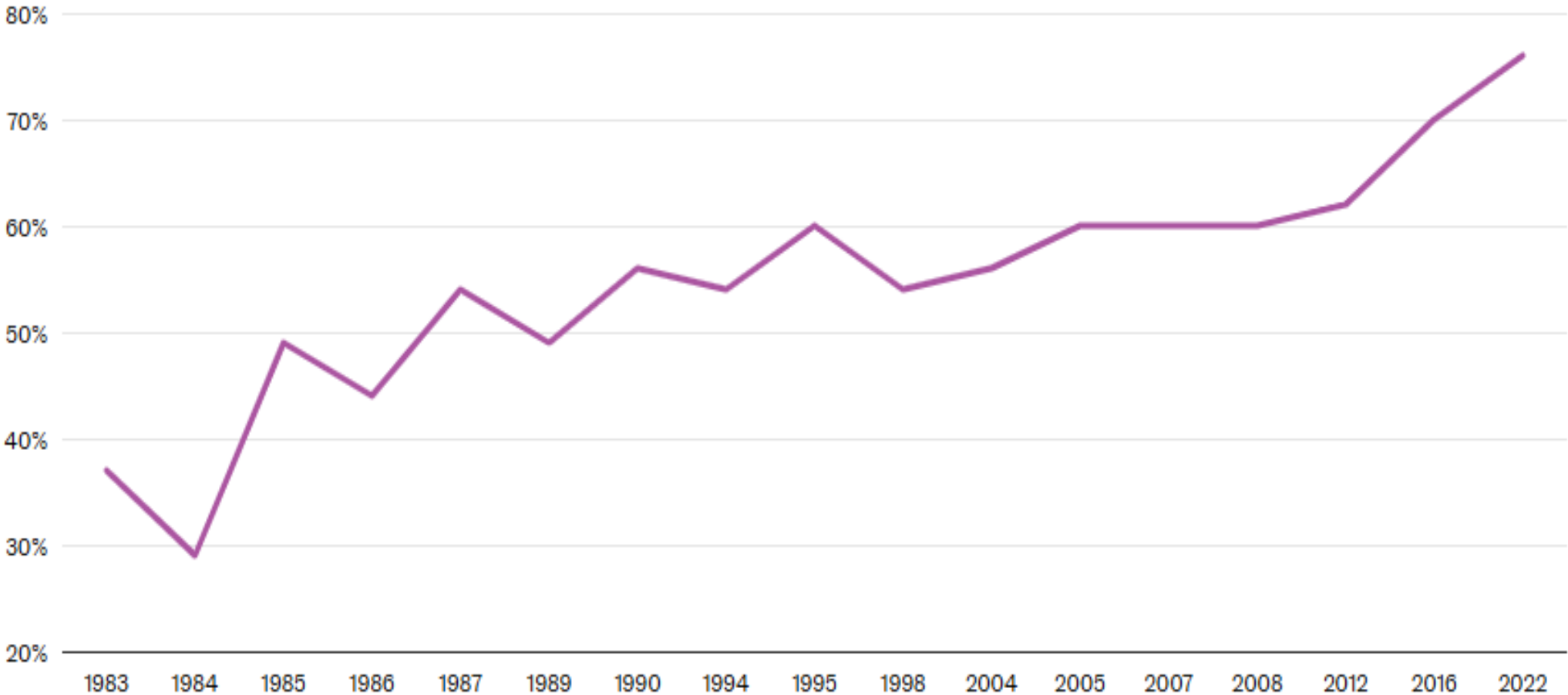
Phoebe Davis
Reporter



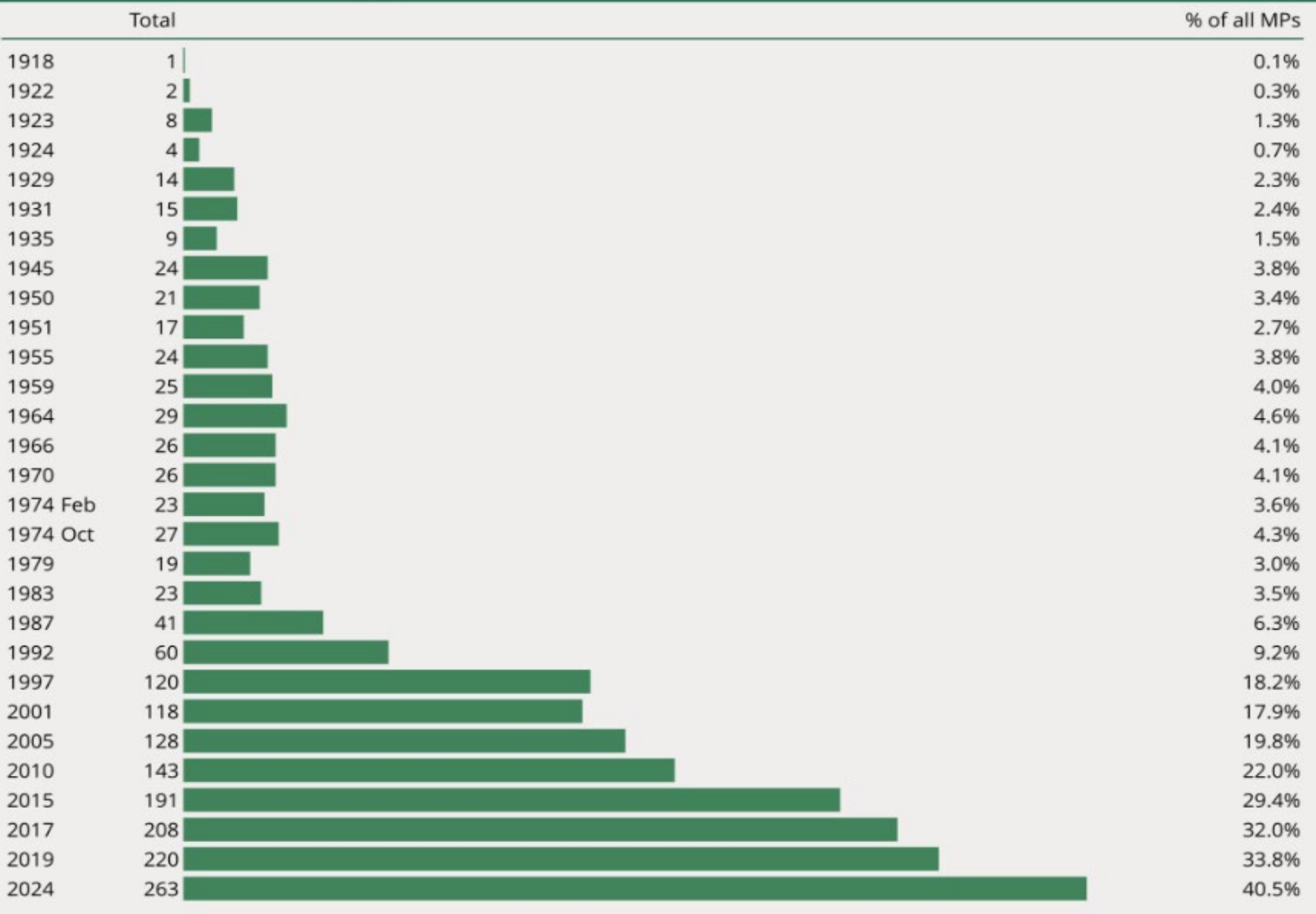
How are attitudes towards abortion in Britain changing? | National Centre for Social Research (2024)

Abortion should be allowed where ...

— The woman decides on her own she does not wish to have a child



Female MPs elected at general elections



2024 general election:
How many women were
elected?

BUT

- Some disagreement within the pro-choice movement regarding the precise shape of future reform.
- An active and largely cohesive anti-abortion movement, with significant funding.
- Significant myths and misinformation about abortion, and the implications of liberalising reform.
- Reform likely to rely on a private member's initiative, meaning significant challenges in securing parliamentary time.



Wider reflections

- Importance of movement building, solidarities, laying groundwork
- Need to share robust data, informed analysis and experience internationally in combatting misinformation
- Abortion exceptionalism – what role for specific regulation?

