

Society for the Protection of Unborn Children (SPUC) submission of 5 April 2023

PE1991/H: Develop an educational resource on abortion

We welcome the opportunity to respond to this petition, as Ms Clarke makes it clear elsewhere that it is in response to SPUC's work in schools.¹ We would first like to utterly reject the allegation that SPUC spreads "dangerous disinformation" and "myths" to schoolchildren. Our talks cover a number of subjects and include factual information about prenatal development and abortion, and explain the pro-life viewpoint that life should be protected from conception.

In the same article, Ms Clarke equates treatment for ectopic pregnancy and miscarriage to abortion. This is both offensive to women who have suffered the loss of a baby, and dangerous scaremongering – no pro-life person considers such treatments to be an abortion, and they are carried out in countries where abortion is illegal.

However, we do challenge the notion in the petition that elective abortion should be treated as a healthcare issue. The overwhelming majority of abortions in Scotland are not done on health grounds. Of the 13,758 abortions in Scotland in 2021, official statistics show that there were none to save the life of the woman (Ground F), none to "prevent grave permanent injury to the physical or mental health of the pregnant woman" (Grounds B and G) and five under Ground A ("continuance of the pregnancy would involve risk to the life of the pregnant women greater than if the pregnancy were terminated").² Abortion providers concede that the vast majority of abortions are carried out not on 'medical' grounds but simply because the pregnancy is 'unwanted'.³ It is therefore inappropriate to present it to schoolchildren as purely a medical issue, with no discussion of the legal and moral aspects.

It is particularly inappropriate for a Government resource to tell 11 year olds that abortion is purely a health issue. This is not a neutral position

¹ https://www.heraldscotland.com/business_hq/23291789.petition-school-resources-abortion-considered/

² <https://www.publichealthscotland.scot/media/14037/2022-05-31-terminations-2021-report-revised.pdf>

³ Furedi A, 'Are there too many abortions?' in Abortion Review Special Edition 2: Abortion and Women's Lives (Papers from the BPAS conference, London 25-26 June 2008), p3

and infringes on the rights of parents to teach their children their own beliefs about this issue.

There is also no legal obligation to provide such a resource. The petition claims that “this [abortion not being discussed in schools] could be a direct violation of the United Nations Rights of the Child (UNCRC)”. While the UK ratified the UNCRC on 16 December 1991, as an unincorporated treaty the question of Scottish local authorities violating it simply cannot arise. As the Supreme Court reiterated in 2017, the UK maintains a dualist legal system, meaning that international law and UK domestic law operate in independent spheres. As the Supreme Court makes clear: “...although they are binding on the United Kingdom in international law, treaties are not part of UK law and give rise to no legal rights or obligations in domestic law.”⁴

The background information paraphrases the text of Article 3 of the UNCRC when it states: “the best interests of the child must be a top priority.” Despite being placed in quotes this is not the wording of Article 3. The first paragraph states:

“In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.”

Paragraph 2 continues:

“States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures.”

In accordance with Article 3, Scottish authorities must take into account the rights of parents and guardians when considering “legislative and administrative measures” such as the petition’s proposal for “a well-rounded sexual health curriculum.” The fact that only four people have signed this petition makes it questionable whether the public, and parents in particular, are calling for such an intervention.

The assertion that Scotland could be in violation of its international legal obligations is based on a misrepresentation of the law and is entirely

⁴ *Miller v Secretary of State for Exiting the European Union* [2017] UKSC 5 at [55].

false. However, we would note that the UNCRC actually supports the pro-life position of protecting unborn children. The preamble states: “*Bearing in mind* that, as indicated in the Declaration of the Rights of the Child, ‘the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, **before as well as after birth**’.”

The petition seeks to use an incomplete reading of the UNCRC to argue for the promotion of a particular view of abortion in Scottish schools. A comprehensive reading of the text, however, shows that the Convention recognises the right to life of children before birth and the need for legal measures to protect children, including protection from the violence of abortion. This applies to all children regardless of their “race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status”.⁵

⁵ UNCRC Article 2(1)