



# MAKING ACCESS TO ABORTION A HUMAN RIGHT IN ENGLAND AND WALES

## NC20 to the Policing Bill

## Campaign Information Pack

## Campaign Pack Contents

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## Introduction and Summary of NC20

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Until 2019 access to abortion was governed by the Offences Against the Person act 1861 in England, Wales and Northern Ireland. This prohibits abortion, and helping someone to have one, and carries a maximum penalty of life imprisonment. The only difference was women in England and Wales could be exempted from prosecution under this law under certain circumstances which were set out in the 1967 abortion act.

**Then in 2019 everything changed.**

Parliament repealed these outdated abortion offences in Northern Ireland and introduced a human rights framework to underpin the provision of services there. Since then the Northern Ireland Human Rights Commission has led the way in fighting to ensure women in Northern Ireland can access abortion -

including taking the Government to court to ensure access, protect buffer zones and now calling for access to telemedicine to be provided.

In England and Wales abortion continues to be a crime- with an increase in the investigation and prosecution of these offences in recent years and a resurgence of anti abortion activism. With American politicians now calling for further restrictions to access to abortion here it is clear there will be further attacks in the coming years. Its time to give all those who need abortion access in England and Wales the equal human rights protection for this service that they have in Northern Ireland.

**Its time for NC20 to the Policing Bill.**

## What does NC20 do?

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**NC20 does four things - all matter in the fight to protect abortion in England and Wales**

1. It **decriminalises** abortion - removing the offences from the legislation, it protects both those who have abortions and those who assist in providing them from being investigated and prosecuted
2. It commits to **no rolling back of existing services** and turns the 1967 Act into a list of conditions of how to access an abortion, not have to avoid prosecution for having one. This includes protecting the time limit.
3. It introduces a **human rights framework** for the way in which abortion services are provided bringing England and Wales into line with Northern Ireland. This means that if services do not uphold safe and legal access the Government can be taken to court to ensure that they do- protecting buffer zones and access to telemedicine services.
4. It **restricts the powers of Ministers to influence services** and overturn this right meaning any future Government would have to get the agreement of the whole of parliament to cut access to abortion.

## Background - What is the law on abortion in England and Wales?

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Currently abortion is an offence in England and Wales under the Offences against the Person Act 1861. This makes it a criminal offense to administer drugs or use instruments to procure a miscarriage. The maximum penalty is life imprisonment. OAPA also criminalises assisting an abortion at any gestation - with a penalty of imprisonment or 'penal servitude' for those who do. Finally it also creates the offence of concealing the death of a child- including "before birth"- for which there is a penalty of at least two years. Alongside this, the Infant Life Preservation Act 1929 which made it an offence to intentionally causing the death of a "child capable of being born alive" before it has an existence independent of its mother.

The 1967 Abortion Act created a series of exemptions from prosecution under these offences as long as certain conditions applied. It made it possible to have an abortion up to the 28th week of pregnancy if two registered medical practitioners believed in good faith that the continuance of the pregnancy would

involve risk to the life of the pregnant woman, or harm her physical or mental health, or that of any of her family members. The Human Fertilisation and Embryology Act 1990 then reduced the time limit to 24 weeks and removed restrictions on later abortions in cases of risk to life, foetal abnormality, or grave physical and mental injury to the woman.

In recent years, there has been a notable increase in abortion-related prosecutions in England and Wales, with more women facing criminal charges for procuring illegal abortions. Six women have appeared in court over the past two years under OAPA, which had previously been little used since its inception. Abortion providers state they know of up to 60 criminal inquiries in England and Wales since 2018, compared with almost zero before- with some suggestions there have been as many as 200 investigations triggered. Many of these have focused on telemedicine abortion, also known as abortion pills at home. This is a process where individuals access abortion care remotely through telephone, video calls, or the internet consultations with medical professionals. These allow for consultations, medication delivery, and post-abortion care to be provided remotely, increasing access.

In 2022, there were [251,377 abortions for women](#) resident in England and Wales—the highest number since the 1967 Abortion Act was introduced and a 17% increase over the previous year. The proportion of abortions performed at under 10 weeks has increased from 77% in 2012 to 88% in 2022. Taking both medications at home- telemedicine- is the most common procedure, accounting for 61% of all abortions in 2022. Late-term abortions, defined as those performed after 20 weeks of gestation, are very rare, making up less than 1% of all abortions in England and Wales representing approximately 3,000 abortions a year. These abortions after 20 weeks are often for foetal abnormalities, mental or physical health reasons, or to save the pregnant woman's life.

The [2024 British Social Attitudes survey](#) shows 95% of people believe abortion should be allowed if the woman's health is seriously endangered by the pregnancy and 89% if there is a strong chance of the baby having a serious health condition. However, only 76% of people believe abortion should be allowed if the woman decides on her own she does not wish to have a child, 72% if the couple cannot afford any more children, and 68% if the woman is not married and does not wish to marry. 80% of people with a degree believe abortion should be allowed if the woman decides on her own she does not wish to have a child, compared to 54% of those with no qualifications.

## Anti Abortion Advocacy in England and Wales

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Anti abortion activism [around the world is now well funded and connected](#) - In recent years, the UK anti-abortion movement has started to work together much more, and run co-ordinated active campaigns, especially on social media. They do not openly advocate an end to abortion access, but seek to capitalise on -so-called 'wedge issues', areas that they think that politicians and the public might be more wavering in their support for abortion. The materials they often use are highly misleading and misrepresent the reasons for abortion as well as issues such as 'sex selection' or coercion. Building on negative stereotypes, they can then make an implicit argument that restricting abortion is in women's best interests.

### Analysis of Charities Commission and Companies House Data shows

- Right to Life - Currently hiring twelve staff to campaign for them, their reported income has tripled from £200,000 to £900,000 since 2019 – and spending has risen from £200,000 to £833,000.
- The Society for the Protection of the Unborn Child has raised more than £1m in the last three years
- The Centre for Bioethical Research UK have increased their staff numbers from 4 to 12 since 2017 (they don't have to publish their income as they are a private company)
- Christian Concern have gone from 19 to 25 staff since 2019
- CARE have seen their income rise by 10% since 2019, and now spend more than £2m a year

There is now also growing concern about the relationships between anti abortion activism around the world - and the interest in activism in the UK by such groups. The Alliance Defending Freedom has registered a UK branch which has [already recorded over £1m](#) of donations in the last year in the UK including in its advocacy against abortion buffer zones as a 'free speech' matter.

Vice President J D Vance told the Munich Conference in February 2025 that

**"I look to our very dear friends, the United Kingdom, where the backslide away from conscience rights has placed the basic liberties of religious Britons, in particular, in the crosshairs.** A little over two years ago, the British government charged Adam Smith-Connor, a 51-year-old physiotherapist and an army veteran, with the heinous crime of standing 50 meters from an abortion clinic and silently praying for three minutes—not obstructing anyone, not interacting with anyone, just silently praying on his own.

And after British law enforcement spotted him and demanded to know what he was praying for, Adam replied, simply, it was on behalf of the unborn son he and his former girlfriend had aborted years before. Now, the officers were not moved. Adam was found guilty of breaking the government's new "buffer zones" law, which criminalizes silent prayer and other actions that could "influence" a person's decision within 200 meters of an abortion facility...just **as the Biden administration seemed desperate to silence people for speaking their minds, so the Trump administration will do precisely the opposite, and I hope that we can work together on that."**

On the April 4<sup>th</sup> 2025 in response to the conviction of someone for breaching anti harassment laws outside a clinic in Bournemouth, the US State Department's Bureau of Democracy, Human Rights and Labor said on social media that it was "disappointed with the UK court's conviction of Livia Tossici-Bolt for violating a designated buffer zone at an abortion clinic. Freedom of expression must be protected for all." The Alliance for Defending Freedom UK activist base is currently supporting this case, and defending a similar prosecution in Scotland as well as working with the UK based political advocacy group the Free Speech Union.

# Making Abortion a Human Right in England and Wales- What does NC20 do?

NC20 is a proposed amendment to the Policing Bill currently being debated by parliament. The current Policing Bill does not contain any measures regarding abortion – however, the Government has said Parliament can seek to amend it to include it. This amendment seeks to learn from where abortion is already a human right in the UK to apply the same principles about preventing prosecution and ensuring access. It is in four parts:

- ☐ It fully repeals the existing law that is directly applied to abortion and has been used to investigate and prosecute women- **it is the only proposal on abortion reform which is decriminalisation** as happened in Northern Ireland:
- ☐ It introduces **a direct human right to access a safe abortion**, as the premise on which any future regulation on abortion should be based as now exists in Northern Ireland. This is based on existing international treaties that we have ratified.

The United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) comprehensively protects women's human rights, including their sexual and reproductive health rights. This treaty is the foundation of the human rights protection for women in Northern Ireland and their access to abortion services.

The International Covenant on Economic, Social and Cultural Rights - Article 12 of the ICESCR protects the right to health and reproductive health and rights are inherent to Article 12. Reproductive rights and freedom encompass the right to have access to medical services relating to reproductive health, and ensuring full accessibility, protects abortion related rights for women. This reference in NC20 also ensures all regulations produced to give effect to these rights could not affect the ability of those providing these services to do so in a manner which upholds these rights either.

- ☐ It explicitly **protects existing services and the settled time limit** and manner for accessing an abortion as set out in the Abortion Act 1967 – it also makes it explicit that there should be no rolling back of the current access to abortion. It does this by removing the exemptions from prosecution in the 1967 Act and instead converting the requirements in this law to be how abortion is provided.
- ☐ It requires that **no change can be made to this human right to access a safe abortion through secondary legislation**. It therefore restricts Ministers using these powers in the Policing Bill to undermine access to abortion. Any attempt to change the human rights framework itself would require primary legislation and a vote of the Commons to pass.

# Northern Ireland: How a Human Rights Framework Protects Abortion Services

In 2017, in response to a proposed amendment to the Queens Speech, the UK Government committed to funding women from Northern Ireland to travel to access abortion in England and Wales. The following year over 1053 did under this scheme - This was the first time the UK parliament recognised that UK citizens were being denied access to this healthcare service because of where they lived. Following the continued failure of the Stormont Assembly to re-establish itself, the UK Parliament passed the Northern Ireland Executive Formation Act in July 2019 which included a commitment to extend a human right to access a safe and legal abortion in Northern Ireland itself by October 2019 if this did not change.

This was in response to the [United Nations Convention on the Elimination of All Forms of Discrimination against Women](#) (CEDAW) Committee report into the impact of a lack of access to abortion services for women in Northern Ireland - reflecting how the UK Government was not complying with the principles of this convention which we ratified in 1986.

The first principle of CEDAW is that women's equality, dignity, and autonomy must be at the heart of any legal framework for abortion. It states it:

"Require[s] all health services to be consistent with the human rights of women, including the rights to autonomy, privacy, confidentiality, informed consent and choice."

The 2019 legislation subsequently led to regulations about the provision of abortion within this framework in Northern Ireland. This also needed to reflect the need for consideration of the Good Friday Agreement and the commitment to ensure that residents of Northern Ireland are not disadvantaged in comparison to either those of Ireland or the rest of the UK. As such the time limit in Northern Ireland is different - twelve weeks in line with Ireland for abortion on demand- but women can also access a later abortion for medical reasons.

The UK Government then sought to ensure the Northern Ireland Health department deliver a service- consulting on how to do so and the regulations to meet this requirement within a human rights framework. When it became clear that those who were opposed to abortion in the Northern Ireland Government and civil service were seeking to delay implementation, the [Northern Ireland Human Rights Commission took the UK Government to court to force them to intervene](#). In 2021 in a judicial review brought by the Commission against both the Secretary of State for Northern Ireland and the Northern Ireland Executive, was successful because Mr Justice Colton said that the Northern Ireland Secretary had failed to comply with his duties, under the 2019 Act, to "expeditiously" provide women with access to high quality abortion and post abortion care in all public health facilities in Northern Ireland. This led to the Secretary of State for Northern Ireland regulating to require the provision of services directly and the roll out of services finally began in 2022.

This is not the only time the human rights framework has actively protected the provision of abortion services in Northern Ireland. The Abortion Services (Safe Access Zones) (Northern Ireland) Bill was passed by the Northern Ireland Assembly in March 2022 to protect the right of women to access abortion and associated health services by prohibiting anti-abortion protests within “safe access zones” around abortion clinics. The Attorney General in Northern Ireland then sought to challenge this legislation by referring it to the UK Supreme Court as a violation of the rights of protestors. The Northern Ireland Human Rights Commission [intervened in the case which was heard in late 2022](#). This courts again upheld the provision of ‘safe access zones’ as part of ensuring compliance with the duties of CEDAW. Alyson Kilpatrick, the chief commissioner of the Northern Ireland Human Rights Commission, called the judgement “a positive affirmation of women and girls rights to protection from harassment when accessing these services”.

Provision of abortion services in Northern Ireland continues to grow as there remain gaps but this continues to be informed, and protected, by the Commission which is now currently working on ensuring access to telemedicine.

# What is at Stake in Parliament - The Benefits of NC20 over NC1

	NC1	NC20
Would it repeal the abortion offences so that no one can be prosecuted?	No. Abortion offences remain and so could be used to target partners and medics.	Yes. It repeals these offences entirely so no one can be investigated or prosecuted for them.
Would it protect the 1967 Abortion Act and the existing time limit to access abortion?	This amendment does not affect the existence- or retention- of the 1967 Abortion Act and its provisions.	Yes. This amendment explicitly retains the 1967 Act to guide to how abortion can be provided, including the time limit and requiring there can be no rolling back of these rights at the point it is passed.
Would it protect buffer zones?	No. It offers no protection of buffer zones.	Yes. These are established as part of a human right to abortion in Northern Ireland.
Would it protect access to telemedicine?	No. It offers no protection of access to telemedicine.	Likely - the NIHR is currently pressing the Government to provide this service as a human right.
Would it restrict a future Government from having power to attack abortion access behind closed doors?	No. It would not stop any Government Minister regulating the prosecution of the remaining 'crimes' of abortion - including relating to medics or the partners of those who have abortions - as they thought 'appropriate'.	Yes. This amendment explicitly restricts Ministerial power over abortion, stating they can only be used to uphold a human rights approach and hands back control to Parliament.

**If you are pro choice, be pro the best choice to protect access to abortion in England and Wales.**

# Myth Busting about NC20

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## **Would the repeal of abortion offences in NC20 mean anyone who forced someone to have an abortion ?**

No. There are a range of offences that perpetrators of this type of violence could be charged with, such as inflicting grievous bodily harm. indeed, recently a mother was convicted of this because she gave her child an excessive amount of painkiller medication. There is no risk that repealing these offences would mean that those who seek to harm those who are pregnant could not be prosecuted.

## **Would NC20 present a 'substantial risk' to abortion provision as proponents of NC1 claim?**

This framework has been tried and tested in Northern Ireland. Although England and Wales has a regulatory framework for the medical provision of abortion care, it doesn't have these human rights principles woven into it which means it is easier to attack. The framework provides a guide to inform how to approach provision, and powers for the Human Rights Commissioner to challenge where this standard is not met. This presents not a risk but a reinforcement of the healthcare nature of these services.

## **Surely the issue is that women are being prosecuted?**

Yes there has been an increase in women being investigated and prosecuted - and there is a need to get ahead of growing attempts to restrict access to abortion too. Legal challenges against abortion services are already a common place by organisations including the Society for the Protection of the Unborn Child. Such 'lawfare' is likely to be increasingly common as anti abortion activism increases and American interest in our laws intensifies- providing stronger powers to protect and resist such attacks as well as any guidance which may be influenced by this will help to sustain access to healthcare.

## **How would NC20 help address the police guidance on prosecutions?**

The National Police Chiefs' Council has issued guidance instructing officers to examine women's digital devices, including period tracking apps, when investigating pregnancy loss. NC20 would not only repeal the laws on which this guidance is based, it would also render obsolete any attempt to reissue it to target those who help women access abortions or are the partners of those who seek an abortion. Retaining any form of offence on the statute book involving abortion as NC1 does means that it cannot be ruled out that this guidance would be reissued. Furthermore, the human rights framework provided for in NC20 would give the Commissioner the ability to challenge the Government to act on any such guidance which had a chilling effect on safe and legal access to abortion.

## **What is the position of the Government on these amendments?**

Abortion is not a partisan matter in parliament. Already MPs from across parliament have supported NC20 and the Government has confirmed it is neutral on all amendments and so neither supporting nor opposing any of them - it is also worth noting that NC20 replicates legislation previously drafted with Government lawyers for Northern Ireland and transposes it to England and Wales.

# Alternative Legal advice - in full - from Jolyon Maugham, The Good Law Project

We have asked Jolyon Maugham to review the document circulated by the British Pregnancy Advisory Service regarding their analysis of NC20. This is his response in full:

1. Obviously it's perfectly proper, even sensible, for BPAS to commission formal written advice from a KC and junior to understand our amendment and whether it has weaknesses. But Jolyon was surprised BPAS would publish selected extracts from that advice but not release the full advice. As he put it, it's not how you conduct yourself if your intention is to inspire confidence that their work product can be trusted.
2. As to the first of BPAS's three substantive points, he noted that point 1 isn't supported by paragraph (a) of what is given as Counsel's verbatim summary. And given that, post NC20 the Abortion Act 1967 would continue to regulate the provision by registered medical practitioners of abortions, he did not find it easy to understand how NC20 can properly be described (as BPAS do) as "largely render[ing] [the Abortion Act 1967] obsolete or "creating a regulatory lacuna around abortion provision and access". It is true that abortions will no longer be criminalised - but the Act will continue to be highly material to how those practitioners are regulated.
3. As to the second point, Jolyon noted that the powers to make secondary legislation in NC20 are in sub-clauses (8) and (12) and he addressed them in turn.
  - i. He observed that the power to make secondary legislation in sub-clause (8) is subject to a triple lock of safeguards.
  - ii. The first is that it can be exercised only (reading clause (8) and (1) together "for the purpose of... ensur[ing] that the recommendations in paragraphs 85 and 86 of the CEDAW report are implemented." Those [paragraphs can be read here](#) and are objectives which both campaigns support.
  - iii. The second (in sub-clause (9)) is that they cannot be used to amend NC20, to reduce access to abortion services or to amend section 1 of the Abortion Act. He did not understand how it could sensibly be said, as BPAS summary suggests, that it "grants a relatively broad discretion to the Secretary of State" which might be used by a Pro-Life Minister to undermine abortion protection.
  - iv. The third part of the triple lock (in sub-clause (11)) is that in carrying out the duties imposed by this section, the Secretary of State is obliged to have regard to the United Nations Convention on the Elimination of All Forms of Discrimination against Women and the International Covenant on Economic, Social and Cultural Rights in considering what constitute the rights of women to sexual and reproductive health and to gender equality.
  - v. The sub-clause (12) power is even more limited - it is simply to repeal the archaic provisions in the 1861 Offences Against the Person Act and the 1929 Infant Life Preservation Act. In any event, it is also subject to the second and third of the triple lock safeguards in sub-clauses (9) and (11) above.
4. Finally, third, BPAS make some points about "the human rights-based framework for the creation of secondary legislation to fill this lacuna". Mr Maugham's view was that it was fair to say as BPAS do, of that framework, that it is "diffuse". But it is not fair to characterise it, as BPAS do, as the only backstop. As pointed out in point 3 above, it is merely the third part of the triple-lock. Moreover, Jolyon noted that Parliament has previously seen fit, in section 9 of the Northern Ireland (Executive Formation etc) Act 2019, to adopt something very similar in Northern Ireland.

# Delegated legislative powers and NC1 and NC20 - The Hansard Society Research

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All clauses of the Policing Bill are subject to the delegated legislative powers that the bill provides. Such delegated legislation powers are broad and as recent history shows with other legislation can and have been used in recent years extensively for matters which are well beyond drafting revisions or small changes to update matters which would not be considered relevant for the whole of parliament to consider. As the [Hansard Society report](#) from 2021 into these powers highlights

"During the pandemic in particular, Parliament was marginalised by Ministers' habitual use of 'urgent' powers. To the astonishment of many people, a single Minister's signature on a Statutory Instrument, accompanied by a simple declaration of urgency, was sufficient to 'lock down' the whole of England, with no obligation to consult Parliament for up to 28 sitting days."

They continue:

"Historically, delegated legislation was designed for prescribing matters of administrative and technical detail, not substantive policy decisions. Gradually, however, the threshold between primary and delegated legislation has shifted. Today, significant policy decisions – including the creation of criminal offences, measures that infringe people's rights, or incur substantial financial implications – are being enacted by Ministers via SI with limited parliamentary scrutiny. In recent years, for example, delegated legislation has been used to allow fracking under English National Parks and World Heritage Sites; to cease operation of a statutory adoption register; and to establish the entire UK REACH regulatory regime for the post-Brexit control of chemicals use."

Clause 166 of the Policing Bill sets out the powers that will be given to ministers on the matter of the criminal law and abortion by the passing of any amendment to include this topic in the bill. It states:

"The Secretary of State may by regulations make such provision as the Secretary of State considers appropriate in consequence of this Act"

As the Hansard Society point out

"Ministers sometimes seek powers to enable them to take actions they consider 'appropriate in connection with' a Bill. This wording leaves the power to make consequential provision a matter for the subjective judgement of Ministers, rather than a more objective test of necessity.

If NC1 is passed there are no constraints contained within it on how Ministers can use the above powers in relation to this clause. Indeed, **NC1 brings abortion within the province of this legislation and makes these enabling powers available to a Secretary of State in relation to abortion generally, as long as they are not used to reverse the disapplication of abortion law to a person acting in relation to their own pregnancy.** They could however use them to target those provide abortions or the partners of those who have them. By contrast NC20 restricts how Ministers may exercise these powers (set out in Amendment 17 to the bill) to ensure they can only be used to advance regulations that promote the human rights approach to provision of abortion. The powers in Clause 166 cannot be used by Ministers for the purpose of abortion. Please see the above legal advice from Jolyon Maugham for details of how this operates.

Please note that nothing contained in explanatory notes can be used to constrain the conduct of Ministers either - they are solely to aid the understanding of MPs about the purpose of an amendment. They have no legal status and there are limits on the use of legislative history/parliamentary materials in statutory interpretation. A legal case - *Pepper v Hart* in 1993 - defined the limits of what courts will look at, beyond the text of an Act itself, to help them determine Parliament's intention.

## How can you help make this happen?

MPs from across parliament have supported this amendment already - **All MPs can sign NC20 to the Policing Bill** to show their support for this proposal and get this proposal a vote in parliament when the Policing Bill returns on the 17<sup>th</sup> and 18<sup>th</sup> June 2025.

By **signing the 38 Degrees petition** anyone can join the campaign - [find it online here.](#)



**MAKING ACCESS TO ABORTION A  
HUMAN RIGHT IN ENGLAND AND WALES**

**NC20 to the  
Policing Bill**

**Add your name now and sign  
the petition on 38 Degrees**