

news reviews

BMA abortion debate; assisted suicide case

1

BMA backs abortion decriminalisation

The BMA's Annual Representative Meeting (ARM) voted in June 2017 to support decriminalisation of abortion. The motion passed appears to envisage that abortion would be treated like any other medical procedure, regulated by the GMC and other professional bodies, but not explicitly in law.

The full motion was in six parts,¹ with about two-thirds of delegates supporting parts ii) and iii), which backed decriminalisation. Prior to the vote, more than 1,000 doctors had signed an open letter to the BMA opposing decriminalisation.

The footnotes are clear that there should still be a 'statutory right of conscientious objection' for healthcare professionals, although there is no clarity over how this would be administered given that abortion would be removed from criminal law.

The 2016 ARM had mandated the preparation of a discussion paper,² and there had already been discussion of the issue in Parliament in early 2017, in the form a ten-minute rule bill looking to decriminalise abortion. Further debate on decriminalising abortion is expected after the parliamentary recess.

Abortion in England and Wales is currently governed by the Offences Against the Person Act (1861), and the Abortion Act (1967, amended 1990). Essentially, the 1861 Act criminalises abortion. The 1967 Act does *not* in itself annul this, but defines certain circumstances in which abortion is not considered an offence. These circumstances have been interpreted increasingly broadly, and there were 190,406 abortions in England and Wales in 2016.

The 1929 Infant Life Preservation Act outlaws destruction of a 'child capable of being born alive', (defining this at 28 weeks gestation). Parliamentary discussion earlier this year implied that this act also be repealed if abortion were decriminalised,

which would effectively remove all legal gestational limits on abortion.

The British Pregnancy Advisory Service (BPAS) among others supported decriminalisation, but the vote attracted some hostile comment in media outlets.³ A Christian critique of the procedure and vote is on the *CMF blog*.⁴

assisted suicide returns to the High Court

Noel Conway, a 67-year-old man from Shropshire, is involved in a High Court case which attempts to overturn the law prohibiting assisted suicide. Hearings took place during July 2017.

The case, backed by Dignity in Dying (formerly the Voluntary Euthanasia Society) argues that the Suicide Act breaches Articles 8 and 14 of the Human Rights Act. Article 8 concerns the right to a private and family life, while Article 14 deals with non-discrimination.

Mr Conway suffers from Motor Neurone Disease, and was too unwell to attend court. His case has many similarities with those of Paul Lamb and Tony Nicklinson, although they were not terminally ill as Mr Conway is. In Lamb and Nicklinson's case, the court ruled against any change in the law, stating that such a change was a matter for Parliament. Since that ruling, a bill which would have legalised assisted suicide has been rejected in the House of Commons by a substantial margin. A decision is expected in the autumn. ■

REFERENCES

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3. McDonagh M. Why is the BMA trying to decriminalise abortion? *Spectator* 27 June 2017 bit.ly/2woY7lb
4. Saunders P. Reflections on the BMA's vote to 'decriminalise' abortion - ten key observations. *CMF Blogs* 7 July 2017 bit.ly/2hnPwg2