

# Citizen Participation and Public Petitions Committee

16th Meeting, 2023 (Session 6), Wednesday  
8 Novemebr 2023

## PE1991: Develop an educational resource on abortion

**Lodged on** 30 November 2022

**Petitioner** Gemma Clark

**Petition summary** Calling on the Scottish Parliament to urge the Scottish Government to work with Education Scotland to develop a health focused and stigma challenging educational resource on abortion, and make it available to all secondary schools in Scotland.

**Webpage** <https://petitions.parliament.scot/petitions/PE1991>

### Introduction

1. The Committee last considered this petition at its meeting on [22 February 2023](#). At that meeting, the Committee agreed to write to stakeholder organisations including the Convention of Scottish Local Authorities (COSLA), the Association of Directors of Education in Scotland, General Teaching Council for Scotland (GTCS), the Scottish Catholic Education Service, and the Society for the Protection of Unborn Children (SPUC).
2. The petition summary is included in **Annexe A** and the Official Report of the Committee's last consideration of this petition is at **Annexe B**.
3. The Committee has received new responses from the Association of Directors of Education in Scotland, GTCS, SPUC, COSLA, the Scottish Catholic Education Service, and the Petitioner, which are set out in **Annexe C**.
4. Written submissions received prior to the Committee's last consideration can be found on the [petition's webpage](#).
5. Further background information about this petition can be found in the [SPICe briefing for this petition](#).

6. The Scottish Government's initial position on this petition can be found on the [petition's webpage](#).
7. Every petition collects signatures while it remains under consideration. At the time of writing, 983 signatures have been received on this petition.

## **Action**

The Committee is invited to consider what action it wishes to take.

### **Clerk to the Committee**

## Annexe A

### PE1991: Develop an educational resource on abortion

#### Petitioner

Gemma Clark

#### Date lodged

30 November 2022

#### Petition summary

Calling on the Scottish Parliament to urge the Scottish Government to work with Education Scotland to develop a health focused and stigma challenging educational resource on abortion, and make it available to all secondary schools in Scotland.

#### Previous action

Written to MSPs, tweeted MSPs and decision makers calling for policy reform. I have also written blogs on abortion education and submitted a motion to the EIS union.

#### Background information

I believe it is essential for all young people to receive medically accurate and health focused education on abortion. I believe that challenging the stigma surrounding abortion is also essential for a well-rounded sexual health curriculum.

Research carried out by the Educational Institute for Scotland (EIS) teacher's union in 2013 found that in many of Scotland's local authorities, abortion is either not discussed in schools or is only discussed as part of an RE lesson. This could be a direct violation of the United Nations Rights of the Child (UNCRC). The UNCRC applies to everyone under 18, and children under 18 can and do get pregnant. Articles 3 and 17 are particularly relevant.

Article 3 – “the best interests of the child must be a top priority”

Article 17 – “every child has the right to reliable information from a variety of sources...”

## Annexe B

### Extract from Official Report of last consideration of PE1991 on 22 February 2023

**The Deputy Convener:** PE1991, on developing an educational resource on abortion, has been lodged by Gemma Clark. The petition calls on the Scottish Parliament to urge the Scottish Government to work with Education Scotland to develop a health-focused and stigma-challenging educational resource on abortion and make it available to all secondary schools in Scotland.

Gemma believes that it is essential for all young people to receive medically accurate and health-focused education on abortion and that challenging the stigma around abortion is also essential for a well-rounded sexual health curriculum. In a written submission in support of her petition, Gemma has also raised concerns about anti-abortion groups visiting schools, and the importance of ensuring that young people are provided with factual information regarding their healthcare.

The Scottish Government has responded to the petition, as it often does in such cases, to state that the curriculum is not mandatory. It does, however, share details of the relationships, sexual health and parenthood resources that are available to teachers.

It is noted that the resources have been developed and peer reviewed in partnership with educators, health professionals and third sector organisations, with the intention of providing young people with learning that is factual and objective and that enables them to make informed choices about their sexual health and wellbeing.

The committee has also received submissions from the Humanist Society Scotland and Scottish Teachers for Positive Change and Wellbeing, as well as a joint letter from the British Pregnancy Advisory Service and Back Off Scotland. The submissions are broadly supportive of the petition's aim to ensure that pupils receive medically accurate and health-focused education on abortion.

Do members have any comments or suggestions?

**Carol Mochan:** I am broadly supportive of the petition, and I have been approached by other members of the Parliament to suggest that we could seek further information on what happens within the school education system and how we could support proper education around what is often a sensitive issue for young people at school, particularly for young women. I would be keen to see whether we could get together some of the information and see how the issue is taken up in the school curriculum.

**The Deputy Convener:** Do colleagues have any other suggestions? We could write to organisations including COSLA, the Association of Directors of Education in Scotland, the General Teaching Council for Scotland, the Scottish Catholic Education Service and the Society for the Protection of the Unborn Child to seek their views on the issues raised within the petition. Do members agree with those suggestions?

**Members** *indicated agreement.*

## Annexe C

### General Secretary of Association of Directors of Education in Scotland submission of 25 March 2023

#### PE1991/F: Develop an educational resource on abortion

The Association of Directors of Education in Scotland is an association of members across the 32 Education Authorities, and it is not possible to present the viewpoint of all council areas on a subject of this nature.

I would offer the professional view that such a resource would not be used in all secondary schools given the content area and the implications for the denominational sector. The petition does not appear to recognise the ongoing work in schools across Scotland in dealing with this issue. This is done sensitively and appropriately both in the classroom and in pastoral settings involving individual young people.

### General Teaching Council for Scotland (GTC Scotland) submission of 5 April 2023

#### PE1991/G: Develop an educational resource on abortion

GTC Scotland welcomes the opportunity to clarify our role in education in response to Petition 1991.

We are the teaching profession's independent registration and regulation body. We work to maintain and enhance trust in teaching.

#### **What we do**

GTC Scotland was established in 1965 following calls from teachers for a body to ensure teaching standards.

Our role is to register and regulate teachers. We do this by keeping a public register and setting and upholding the high standards teachers in Scotland must meet to enter and remain in the teaching profession.

Trust in the teaching profession is essential to an effective education system. GTC Scotland's role is to help maintain that trust.

We do this by setting the Professional Standards for teachers as well as the entry criteria to the profession. We apply and ensure these criteria and standards are met and maintained through our registration and regulatory processes, and we ensure teachers' commitment to ongoing learning through Professional Update.

At the heart of our work is keeping the Register of Teachers. There are over 81,000 teachers and college lecturers on our Register.

Registering and regulating the teaching profession gives us insight. We use our voice to speak up for high standards. It is high standards that help instil trust in the profession and enhance the status of the profession.

We are independent from government. Our work is funded by the fee that teachers pay. What we do and how we are governed is set in legislation.

Belonging to the teaching profession in Scotland means being registered with GTC Scotland.

### **Being a teacher in Scotland**

Teaching is complex relational and intellectual work. It is rooted in highly specialist knowledge and skills.

Standards and ethics are core to what it means to teach, and they underpin the profession's system of self-regulation.

If a national educational resource is created, teachers - as trusted professionals - will critically assess its impact on their teaching in the interests of their learners.

### **PE1991**



We do not have a role in setting resources or content in the curriculum. The organisations outlined during the Committee’s consideration are likely to be best placed to respond to this petition.

## 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.<sup>1</sup> 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”).<sup>2</sup> Abortion providers concede that the vast majority of abortions are carried out not on ‘medical’ grounds but simply because the pregnancy is ‘unwanted’.<sup>3</sup> It is

<sup>1</sup> [https://www.heraldscotland.com/business\\_hq/23291789.petition-school-resources-abortion-considered/](https://www.heraldscotland.com/business_hq/23291789.petition-school-resources-abortion-considered/)

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

<sup>3</sup> 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

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 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.”<sup>4</sup>

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.”

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

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 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”.<sup>5</sup>

## COSLA submission of 6 April 2023

### PE1991/I: Develop an educational resource on abortion

Thank you for your letter of 8<sup>th</sup> March 2023 inviting COSLA to address the issues raised in the petition relating to creating an educational resource on abortion and make it available to all secondary schools in Scotland.

The Curriculum for Excellence is clear that teachers, schools and local authorities have the flexibility to design a curriculum that fits their own

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<sup>5</sup> UNCRC Article 2(1)

local context and needs of the children and young people they are educating. Therefore, there is therefore no mechanism where all schools would be compelled to use any specific materials.

We continue to be supportive of partners across the education system working together to creating high-quality resources to support teachers, schools and local authorities in the delivery of Relationships, Sexual Health and Parenthood (RSHP) education, whilst they retain their responsibility to design and deliver a curriculum that meets the needs of their local children, young people and communities.

We are aware there are some existing educational resources which are linked to the ask within this petition. A range of [materials](#) to support RSHP education was developed by health boards and local authorities to support teachers and schools on these issues, including abortion. The Scottish Government recently published a new leaflet on [Pregnancy and parenthood while you are in school or education](#), which contains guidance for young people. Education Scotland have a range of [materials](#) to support RSHP, and specific resources for [abortion](#).

We hope this letter is helpful to the Citizen Participation and Public Petitions Committee in its consideration of the petition.

## Scottish Catholic Education Service submission of 12 April 2023

### PE1991/J: Develop an educational resource on abortion

Thank you for your email of the 8<sup>th</sup> March, seeking a response to this petition. The response below is provided by the Scottish Catholic Education Service (SCES) which is the advisory office on education matters to the Roman Catholic Bishops of Scotland.

#### **The petitioner's complaint**

This petition is based on 3 aspects 1) stigma related to abortion 2) funding is needed to create resources to overcome this stigma 3) there is currently a breach of the UNCRC.

SCES would disagree with the petitioner and note that there are educational resources, there is no breach of the UNCRC and there is no evidence of stigma relating to abortion – noting in particular that schools work tirelessly to protect the confidentiality and privacy of pupils and to combat prejudice, stigma, intolerance and bullying relating to all aspects of pupils' lives.

Our initial response is therefore to question the competence of this petition, in terms of detail and necessity.

### **Stigma - Evidence of impact of current work for young people:**

According to the most recent report of [public health Scotland](#)

*“The teenage pregnancy rate in Scotland is at its lowest level since reporting began in 1994. Pg4*

*“The proportion of teenage pregnancies that result in a termination is increasing. In 2018 the percentage of teenage pregnancies that ended in termination was the highest since reporting began (46%).” Pg 4*

*“...the under 18 age group saw termination rates rise above delivery rates in 2018 for the first time since reporting began in 1994. Meanwhile, termination rates for under 16s have remained higher than delivery rates since 2002. Therefore, in 2018, teenage women in the younger (under 16 and under 18) age groups were more likely to have a termination than a delivery while older teenagers were more likely to have a delivery than a termination. Pg 6*

This evidence would suggest that young people are knowledgeable, have understanding and able to make decisions to access abortion services. It also challenges the assumption that there is a stigma relating to abortion. Further detail within this report also notes the high proportion of young people accessing termination services before 9 weeks, indicating not only that young people have confidence to access these services, but perhaps also inferring that others, including the school and peers, may not even be aware that the service has been accessed.

**Resources and prioritisation of funding** – The Scottish Parliament’s Education and Skills Committee published the report [“Lets talk about personal and social education”](#) in 2017. This work included educators and learners and concluded with a number of recommendations. In 2018 Education Scotland published the report on the [thematic inspection for PSE/HWB](#), and in 2019 Scottish Government concluded work with the [Review of Personal and Social Education Preparing Scotland’s Children and Young People for learning, work and life](#). None of this work concluded that a priority for pupils, teachers or education partners was learning and teaching on abortion.

There are no mandated resources within Scotland and teachers source and use texts and content as needed to meet the educational purpose of their planned lessons. However, The Scottish Government have funded and supported the national resource for RSHP, available to all schools that hosts learning and teaching materials on abortion. In addition, there are numerous educational resources available through the NHS and commercial text books that schools can and do access relating to abortion. We note that the [RSHP statutory guidance](#) reiterates the Scottish Government supports the right of the Catholic Church:

*“to give witness to its faith, and to uphold the traditions of Catholic education.”*

**Beyond the classroom:** Curriculum is defined, in Scotland, as the totality of all that is planned for children and young people from early learning and childcare, through school and beyond. This means that learning does not just happen within formal classroom environments. This is perhaps best seen in the experience of pastoral care within a secondary school. Young people are supported and accompanied through different challenges and opportunities that they encounter with individualised support and care planning. While this may be categorised as the ‘informal’ curriculum, the outcome or impact of these pastoral relationships and moments of teaching are vital for pupils, in particular relating to aspects of health and wellbeing. The skill of the pastoral care teacher is often in knowing when it is appropriate to accompany a pupil themselves or to work in partnership with another expert agency, such as the NHS, social work or community youth teams. We would conclude that the close partnership between schools and the wider school community serves young people well in ensuring they have access to

qualified expertise relating to their health, social, physical, spiritual and mental wellbeing.

**Breach of UNCRC** - SCES is concerned that the UNCRC is being mis-used in order to further political and personal agendas. Abbreviated versions of articles 3 and 17 are cited as an evidence base as to why this petition should be actioned.

This petition reduces article 3, which has three important clauses to one line. This article is primarily about duty of care when decisions or actions are made on behalf of children. While education can be included in this holistic understanding of what is meant by decisions or actions, the entire article is actually focused on that state responsibility, in cooperation with parents and carers, for protection and care of children for such things as their safety, housing, well being and care.

Article 17 is also misappropriated as evidence to support this petition. This article is specifically entitled “misinformation from the media”. It relates to ensuring that state governments do not limit the media. To suggest that this article is evidence in support of this petition is to misuse the intention of the UNCRC broadly and this article specifically.

**Broader Context - Pregnancy and Parenthood while you are at school:** The recent publication from Scottish Government to support young people who will become parents while in school, [published on the 6<sup>th</sup> March](#), is the result of consultation and collaboration across the education sector, including the young people themselves. This work recognises what has been described above – schools are not the sole provider of education and learning, but work in partnership with other experts at particular times. This work is also, in part, a response to the fact that there has been a stigma related to becoming a parent at a young age, and that prejudice, discrimination and barriers to education are often a result of the decision to have a child.

We cite this work to note and recognise the wider work in Scotland regarding pre natal and neo natal care, as well as the conversation emerging in Scotland in relation to acknowledging the loss and bereavement linked to miscarriage and still births. This is a very complex and sensitive area. Attempting to compartmentalise it or

parachuting in resources without context to schools is neither a purposeful educational approach nor of benefit to the young people in our care.

I hope that this reply assists the Committee in its work.

## Petitioner submission of 1 May 2023

### PE1991/K: Develop an educational resource on abortion

I would like to respond to some points raised by [SPUC](#) regarding my petition to create an abortion education resource.

I wish it to be noted that it is not me personally who is claiming SPUC spread disinformation but experts including the national sexual health charity, Brook, who have described SPUC learning materials as “shocking” and “problematic in many ways”<sup>6</sup>. The materials referred to have now been pulled from BBC Bitesize. An undercover investigation by Humanists UK also found what they deemed ‘falsehoods’ being spread in schools<sup>7</sup>. For example, the claim made that *“Abortion increases a woman’s chances of developing breast cancer”*, a claim which is refuted by Cancer Research UK<sup>8</sup>.

SPUC’s response states “Ms Clarke (sic) 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, the NHS website states that medication or surgical procedures (the same procedures used for elective abortions) can be carried out to treat an incomplete miscarriage<sup>9</sup>. The same information is provided on the British Pregnancy Advisory Website which describes surgical and medication

<sup>6</sup> <https://www.theguardian.com/media/2022/jul/09/bbc-bitesize-gave-platform-to-extreme-anti-abortion-group>

<sup>7</sup> <https://humanists.uk/2012/03/23/news-1009/>

<sup>8</sup> <https://news.cancerresearchuk.org/2004/03/26/pregnancies-that-end-in-miscarriage-or-abortion-do-not-increase-a-womans-risk-of-developing-breast/>

<sup>9</sup> <https://www.nhs.uk/conditions/miscarriage/what-happens/#:~:text=If%20there's%20no%20pregnancy%20tissue,pass%20out%20of%20your%20womb>



treatment options for miscarriage<sup>10</sup>. Abortion is a medical term and there is no separate procedure used when the abortion is elective. Furthermore, Harvard University Medical School (HMS) state that “Abortion is the removal of pregnancy tissue, products of conception or the foetus and placenta (afterbirth) from the uterus”<sup>11</sup>. Please also note that the fallopian tube where an ectopic pregnancy often (though not always) forms, is part of the uterus. I cannot find any studies that suggest that all people who have suffered miscarriages find medical terminology offensive.

It is not true that all countries allow abortions for pregnancy complications such as incomplete miscarriage, there are many cases of women and people in America now being denied medical treatment until their health has deteriorated sufficiently to be considered an ‘immediate threat’ to life, leaving them to endure unnecessary pain and trauma<sup>12</sup>. A high-profile case in Malta led to a woman being airlifted to Palma because she was denied treatment for her miscarriage<sup>13</sup>.

I also wish to note that the petition was not, at first, collecting signatures but has now received several hundred (and rising) showing that there is indeed public support for young people to receive facts-focussed and medically accurate education on abortion.

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<sup>10</sup> <https://www.bpas.org/more-services-information/miscarriage-care/>

<sup>11</sup> <https://www.health.harvard.edu/medical-tests-and-procedures/abortion-termination-of-pregnancy-a-to-z>

<sup>12</sup> <https://www.nytimes.com/2022/07/17/health/abortion-miscarriage-treatment.html>

<sup>13</sup> <https://www.theguardian.com/global-development/2022/jun/22/us-woman-left-traumatised-after-malta-hospital-refuses-life-saving-abortion>