

Suite 540/541
Baltic Chambers
50 Wellington Street
Glasgow
G2 6HJ

info@engender.org.uk
www.engender.org.uk

Chief Constable Jo Farrell
Police Scotland Headquarters
Tulliallan Castle
Kincardine
FK10 4BE

19 June 2025

Dear Chief Constable,

We are writing to seek clarification on Police Scotland's position with regards to the National Police Chiefs' Council (NPCC) guidelines on Child Death Investigation. Specifically, we condemn the significant change in approach with regards to abortion and stillbirth¹ in the strongest possible terms.

Impacts on equality and human rights

Health, human rights and equalities groups across the UK have been unanimous in their criticism of the recent NPCC guidance for its handling of unexplained pregnancy loss.² The document seeks to institutionalise practices, including highly invasive investigation methods, that have caused demonstrable harm to women in England over recent years.³ Experiencing miscarriage or stillbirth, whether induced or not, is often deeply traumatic for women. Police actions have been shown to compound this trauma, with investigations resulting in severe mental ill health, debt, children taken into custody and the loss of homes and relationships.⁴

If adopted by Police Scotland, these methods would undermine human rights and equality for women and pregnant people in Scotland. Marginalised groups and vulnerable individuals, including women of colour, migrant women, women from economically deprived areas, disabled women, young women, LGBT people, and those in remote and rural areas are among those most likely to be impacted by police handling of offences related to abortion.⁵

The investigation techniques recommended by the NPCC constitute a disgraceful invasion of privacy and violation of human rights.⁶ They constitute a deeply regressive approach that is misogynistic and discriminatory by design. Measures include searching women's homes, confiscation of digital devices, review of personal data, and access to medical records. This amounts to entirely unacceptable policing of women and pregnant people's bodies,

reproductive health and autonomy. The guidance requires police to make suspects of all women suffering unexplained pregnancy loss, turn their homes and healthcare settings into crime scenes, and subject women and their families to the impacts of criminal investigation at a time of deep distress.

The guidance recognises that “those making the decision to end a pregnancy could be vulnerable and in need of support” and that evidence gathering must extend to understanding women’s circumstances and lived experiences (p.62). However, it fails to account for the fact that investigation itself in this context is guaranteed to cause distress and vulnerability, placing women at serious risk of harm.

Position of health bodies

The Royal College of Obstetricians and Gynaecologists (RCOG) has described the NPCC guidance as “shocking”, highlighting women’s fundamental rights to compassionate care, dignity and privacy. RCOG previously issued best practice guidance for healthcare workers, emphatically stating that staff should not contact the police with regards to abortion, pregnancy loss or unattended delivery. This position is based on patient confidentiality and best interests, as well as the clear lack of public interest in investigating women in these circumstances.⁷ Furthermore, police investigations into stillbirths are fuelling a ‘climate of fear’ for clinicians, who are exposed to potential criminal sanctions at work.⁸

The World Health Organisation has called on decisionmakers to take immediate practical steps to suspend the use of criminal law as it applies to abortion. It recommends that governments act to “stop arrests, investigations and prosecutions for abortion” as part of a suite of immediate changes to support quality abortion care.⁹

Decriminalisation of abortion is supported by all relevant professional bodies in the UK including the British Medical Association (BMA), the Royal College of General Practitioners (RCGP), the Royal College of Obstetricians and Gynaecologists (RCOG), the Royal College of Nursing (RCN), the Royal College of Midwives (RCM), and the Faculty of Sexual and Reproductive Healthcare (FSRH).

Calls for Police Scotland

Police Scotland should urgently act to adopt guidance on abortion, miscarriage and stillbirth that is informed by the expertise and positioning of medical bodies, human rights legal standards and public interest concerns. This should seek to end investigations into offences relating to abortion, which are shown to cause women “life changing harm”.¹⁰ If needed, interim guidance should ensure that “horrendously disabling”¹¹ procedures including the use of blood testing, women’s personal tech devices, and reproductive tracking apps are not used as evidence within investigations into abortion in Scotland.

The NPCC guidance makes clear that the Offences Against the Person Act 1861 does not apply in Scotland. However, it lists the Abortion Act 1967, Abortion (Scotland) Regulations

1991, and the Concealment of Birth (Scotland) Act 1809 as relevant legislation, and refers to COPFS in relation to abortion offences. Data show that prosecutions under these laws have been pursued in Scotland in recent years. Clarity on Police Scotland's obligations and intentions is therefore urgently needed.

Our organisations condemn the NPCC guidelines on abortion and stillbirth in the strongest terms and urge Police Scotland to:

- Publicly clarify that recommendations on abortion and stillbirth within NPCC guidance will not be adopted in Scotland
- Develop guidance on offences relating to abortion, in line with World Health Organisation advice, to create in effect a moratorium on investigations into abortions.

We look forward to hearing from you.

Yours sincerely,

Catherine Murphy, Executive Director, Engender

Fiona Menzies, Chair, Abortion Rights Scotland

Jenni Snell, Chief Executive Officer, Young Women's Movement

Lucy Ward, Co-founder, Back Off Scotland

Fraser Sutherland, CEO, Humanist Society Scotland

Anna Ritchie Allan, Executive Director, Close the Gap

Agnes Tolmie, Chair, Scottish Women's Convention

Sara Cowan, Director, Scottish Women's Budget Group

Laura Tomson, Co-Director, Zero Tolerance

Sandy Brindley, Chief Executive, Rape Crisis Scotland

Professor Sharon Cameron, Co-chair, Scottish Abortion Care Providers Network

Dr. Sarah Wallage, Co-chair, Scottish Abortion Care Providers Network

Dr. Sinead Cook, Chair, Faculty for Sexual and Reproductive Healthcare Scotland

Neil Cowan, Scotland Programme Director, Amnesty International UK

Marsha Scott, CEO, Scottish Women's Aid

Gill Watson, CEO, Chief Midwife and General Secretary, Royal College of Midwives

Linda Somerville, Deputy General Secretary, STUC

Dr. Ranee Thakar, President, Royal College of Obstetricians and Gynaecologists

Rebecca Don Kennedy, CEO, Equality Network

Vic Valentine, Manager, Scottish Trans

Dilraj Sokhi-Watson, Director, Equate Scotland

Charlie McMillan, Director, Human Rights Consortium Scotland

Heidi Stewart, CEO, British Pregnancy Advisory Service

Carolyn Currie, Chief Executive, Women's Enterprise Scotland

Akiko Hart, Director, Liberty

Jatin Haria, Executive Director, Coalition for Racial Equality and Rights

Maree Aldam, CEO, Amma Birth Companions

Sai Shradda Suresh Viswanathan, President, NUS Scotland

Sara Redmond, Chief Officer of Development, Health and Social Care Alliance Scotland (the ALLIANCE)

Heather Fiskien, Chief Executive, Inclusion Scotland

¹ NPCC (2024) Practice advice on child death investigation. Available at: <https://library.college.police.uk/docs/NPCC/Practice-advice-child-death-investigation-2024.pdf>

² Royal College of Obstetricians and Gynaecologists 'RCOG raises serious concerns around the National Police Chiefs' Council guidance on Child Death Investigation'. Available at: <https://www.rcog.org.uk/news/rcog-raises-serious-concerns-around-the-national-police-chiefs-council-guidance-on-child-death-investigation/>

³ Sheldon and Lord (2023) Care not criminalisation; reform of British abortion law is long overdue. Available at: <https://jme.bmj.com/content/medethics/49/8/523.full.pdf>

⁴ The Guardian 'Abortion investigations causing women life-changing harm' says UK expert. Available at: <https://www.theguardian.com/world/2024/jan/27/abortion-investigations-causing-women-life-changing-harm-says-uk-expert>

⁵ Engender (2024) Outdated, harmful and never in the public interest: The urgent need to modernise Scotland's abortion law and prevent prosecutions. Available at: <https://www.engender.org.uk/content/publications/ENGENDER--FINAL-DECRIM-REPORT---21-05-24.pdf>

⁶ For instance: Human Rights Act 1998, Article 8 (respect for private and family life, home and correspondence) protects dignity, autonomy, and respect for private and confidential information including data

⁷ Royal College Obstetricians and Gynaecologists (2024) Involvement of police following abortion and pregnancy loss. Available at: <https://www.rcog.org.uk/media/s3rf2brq/liaison-with-police-guideline-for-nhs-staff-in-womens-health-2.pdf>

⁸ Engender (2024) Outdated, harmful and never in the public interest: The urgent need to modernise Scotland's abortion law and prevent prosecutions. Available at:

<https://www.engender.org.uk/content/publications/ENGENDER--FINAL-DECRIM-REPORT---21-05-24.pdf>

⁹ WHO (2022) Towards a supportive law and policy environment for quality abortion care: evidence brief.

Available at: <https://iris.who.int/bitstream/handle/10665/364081/9789240062405-eng.pdf?sequence=1>

¹⁰ The Guardian 'Abortion investigations causing women life-changing harm' says UK expert. Available at:

<https://www.theguardian.com/world/2024/jan/27/abortion-investigations-causing-women-life-changing-harm-says-uk-expert>

¹¹ *ibid*