



Online pills and prosecutions of women

British Pregnancy Advisory Service Briefing

Introduction

Abortion in England and Wales is **still a criminal offence**. Under the Offences Against the Person Act 1861, having or providing an abortion remains a crime that carries a life sentence.

Women accessing abortion in England and Wales do so under the Abortion Act 1967. But this law did not decriminalise abortion – it simply made it legal in certain, fixed circumstances.

Under current law, abortions must be signed off by two doctors, they must take place in a hospital or premises approved by the Secretary of State for Health, and women must meet one of the seven criteria that allows abortion. **Any woman who undergoes an abortion without the permission of two doctors – for example by ordering pills online – can be prosecuted and receive a life sentence** as her abortion takes place outside of the Act.

More than **10,000 packets of abortion pills have been seized** on their way into Great Britain in the last 3 years – every one of which is a crime under the Offences Against the Person Act. There have been several cases since 2015 where **women who have ended their own pregnancy in England or Wales have been subjected to police investigation**

In a poll conducted by YouGov in 2019, just 14% of the general population said they were aware of the law, which carries the harshest penalty in the world. **Two thirds of people believed it was wrong that abortion is criminalised**. It is safe to assume that many women who use online pills to end a pregnancy do not realise they are risking prosecution and imprisonment.

In Northern Ireland, sections 58 and 59 of the Offences Against the Person Act which criminalised abortion were repealed on 22nd October 2019 – meaning that abortion is now treated like any other form of healthcare. This means **women in Northern Ireland who use abortion medication purchased online no longer face criminal sanction**. However, this legislation remains in effect in England and Wales.

Criminal investigation of women who end their pregnancies

bpas is aware of multiple instances where the existing law that criminalises abortion (under s58 and s59 of the Offences Against the Person Act 1861 and the Infant Life (Preservation) Act 1929) has been used against women who have ended their own pregnancy. Many of these women are vulnerable, with a history of mental health problems, and the operation of the current law means that rather than being provided with support, they are being criminalised.

St Albans, 2019 – A woman became pregnant following a casual sexual encounter. She had booked an appointment at an abortion clinic and opted not to proceed with a termination. After the 24-week time limit, the father then told her (falsely) that he had cancer and arrived at her house with abortion pills he had procured and told her “we need to do this”. The attempt to end the pregnancy did not succeed. The CPS proceeded to prosecute the woman for

attempting to end her own pregnancy, in addition to the father and the person from whom he procured the pills. The judge dismissed charges against the woman mid-way through the trial, saying that she had been in a controlling relationship.

Blackpool, 2019 – A woman presented to an abortion clinic at nearly 23 weeks gestation, asking to terminate her pregnancy. Her iron levels were too low to be treated in a standalone clinic, so she was referred into the bpas specialist placement team to find her a suitable appointment in an NHS hospital. No appointment was available within the NHS prior to the 24 week limit and she was referred into antenatal care. Several weeks after this, the woman reported a stillbirth and a police investigation was launched, with a suggestion that she had ended her own pregnancy.

North Wales, 2018 – A woman presented to her local abortion service beyond the limit for local provision and was referred into a national provider to try and find an appointment before the 24-week limit. No appointment was available. The woman subsequently ended her pregnancy and was investigated by the police along with her partner.

Northern Ireland, 2017 – A woman and her partner accepted formal cautions for purchasing pills online to end her pregnancy. She had been put on trial and the impact of the proceedings led her to the point of considering suicide.

Medway, 2015 – A young person who was a care leaver in contact with social services with several diagnoses of mental health disorders and previous treatment for self-harm presented to abortion services and was informed that because of local commissioning requirements they would need to obtain a referral from her GP. They were not registered with a GP surgery and they were not in a position to complete registration as a result of a lack of ID and address verification. Social services attempted to help them obtain an appointment but to no avail. They subsequently presented to A&E with damage to their uterus and infection as a result of trying to end their own pregnancy with an instrument. The hospital induced labour, the baby was born alive and subsequently died. As a result, there was a police investigation under the OAPA which ended with a decision not to prosecute as a result of the person's vulnerability.

Durham, 2014 – A woman was sentenced to two years and six months in prison for ending her pregnancy at around 32 weeks using abortion pills bought online, with the judge claiming the offence was 'too serious' to warrant a suspended sentence. She had a history of concealed pregnancy, had not taken a pregnancy test, suffered from depression and anxiety, and maintained throughout that she had not realised how far through her pregnancy she was. She called an ambulance as she was bleeding at home and was subsequently reported to the police.

Northern Ireland, 2014 – A 19-year old woman was given a three-month suspended sentence for ending her own pregnancy using pills bought online. The woman's housemates called the police on finding the (roughly 12-week) foetus.

Northern Ireland, 2013 – A woman bought abortion pills online for her 15-year old daughter who was in an abusive relationship. The girl's boyfriend had threatened to 'kick the baby out of her and stab it if it was born'. Living in Northern Ireland, at that time there was no option to obtain a legal abortion. After ending the pregnancy, the girl visited the GP for aftercare. The GP made a referral to the mental health team, the mental health team made a referral to social services, and the police became involved. The girl's mother was prosecuted under s59 of the OAPA.

North Yorkshire, 2010 – A woman was sentenced to eight years (reduced to five years on appeal) after pleading guilty to ending her own pregnancy at 39 weeks using pills bought online. She had a complicated obstetric history, with a child given up for adoption, an abortion

around the legal limit, a pregnancy where she had attempted to obtain a legal abortion but was beyond the time limit, and a pregnancy that she concealed from her family up to birth. Two children remained in her care. The judge, in his sentencing remarks, said “*As a matter of public policy and bearing in mind the need for deterrence, a long determinative sentence is required.*”

Why are women turning to online medication?

Distance

While for most women in Great Britain, abortion services are relatively accessible, for some women attending a specific clinic or hospital for treatment can be extremely difficult. **Because only hospitals and specifically-licensed clinics can provide treatment, women are not able to access early abortion care via their GP or using new innovations such as telemedicine.**

As a result of this, in Northumberland, for instance, women from Berwick-upon-Tweed will have to drive more than 50 miles to the nearest hospital that provides abortion care (including medical abortion) at any gestation (Wansbeck Hospital in Ashington). In Lincolnshire, a woman who lives in Goole and is 10 weeks and 1 day pregnant will have to drive 50 miles to Grimsby in order to access a simple outpatient procedure performed under local anaesthetic.

Caring responsibilities

With the added distance of clinics, it is not generally possible to be able to fit abortion treatment into other daily activities. **A woman is not able to book a GP appointment while her children are at school or nursery – instead, she has to travel to a dedicated hospital or clinic service** which often do not let women bring children with them to avoid causing distress to other patients, and so she needs to be able to afford childcare for extended periods.

For instance, British women told the online abortion medication provider, Women on Web:

“My 11-year-old daughter has a brain tumour and is undergoing chemotherapy. I have no one to care for her whilst I attend a clinic appointment and bpas will not allow her to attend the consultation with me. I really am at my wits end as I don’t have any way to attend this appointment so I would like to have the abortion at home.”

“There is currently a 2-3 week waiting listing and that just for first consultation not the medication. I’m just far too sick to wait I am on my own and have 2 young children depending on me.”

Controlling and abusive relationships

Women in abusive relationships may also present for abortion care – generally telling healthcare professionals when they meet alone that they do not want to bring a child into the abusive relationship, or feel that by having a child they are endangering their ability to leave the relationship. Some women also report controlling behaviour and cultural expectations in certain communities in which pregnancies out of wedlock are frowned upon.

Accessing legal abortion in these circumstances is very difficult because women may have to account for their time and their activities, and their abuser finding out about their pregnancy and/or abortion may carry serious consequences for women’s safety.

British women told the online abortion medication provider, Women on Web:

“My partner knows where I am at all the times. He can see my phone and my location

always... I cannot go anywhere and I cannot make phone calls and he sees all the calls. I cannot pay for anything as is his bank account that he will see payments and he will be angry... Please, please can you help me."

"I come from a strict religious family, which requires me to have a chaperone when I go out so unfortunately I am not able to access the services. I have been trying herbal alternatives like papaya and vitamin c for over a week but it's not working and now I am losing my mind."

There are further examples of requests made to Women on Web at the end of this document.

How many women use abortion medication purchased online?

It is unclear how many women are using abortion pills purchased online. However, in 2018 the MHRA revealed in an FOI that they had seized **almost 10,000 sets of abortion pills over 3 years** headed to British addresses.

Women on Web is a digital community that answers thousands of help-emails every day from women around the world. If from a country where access to safe abortion is restricted and under 10 weeks pregnant, the website can refer women to a licensed doctor who can provide abortion pills on completion of an online consultation which reveals no contraindications.

Requests from women in Great Britain, despite legal access to abortion, have been increasing, and a recent review found 100 requests over a 7-week period, or an average of 2 per day.

What are the risks of using online pills?

Abortion medication is safe, and not-for-profit services such as Women on Web send women the same medication that they would receive at an abortion clinic in the UK. However, there is a risk that women purchasing pills from less reputable providers will not be receiving the correct medication.

The fact that **women may know they are breaking the law and risking prosecution may mean they are less likely to seek help** if they are concerned about symptoms during or in the immediate aftermath of using the medication.

Support for the decriminalisation of abortion

Decriminalisation means repealing laws specific to abortion – abortion would be treated like any other medical procedure and governed by medical regulation and standards in the same way, for example, as maternity care. **Decriminalisation does not mean deregulation.**

Abortion services would be provided in accordance with legislation and regulation that already exist, and **services would need to be provided in accordance with guidance from bodies such as the Royal College of Obstetricians and Gynaecologists and NICE.**

Polling conducted by YouGov in the previous parliament found that:

- 78% of MPs (including 70% of Conservative MPs) are pro-choice
- 71% of MPs (including 56% of Conservative MPs) also stated that laws surrounding abortion services should be covered by laws and regulations used for healthcare.
- Only 19% of MPs think the law surrounding abortion services should be covered by criminal law, as is currently the case.

Medical organisations including the British Medical Association, the Royal College of Obstetricians and Gynaecologists, the Royal College of Midwives, the Royal College of

General Practitioners, and the Royal College of Nursing support and campaign for the decriminalisation of women and healthcare professionals involved in providing abortion services across the UK.

Polling from July 2019 found that nearly two-thirds (65%) of British adults do not support the current criminal sanction for abortion. Just 14% support it.

Accounts of British women attempting to purchase pills online

Domestic violence

"My partner knows where I am at all the times. He can see my phone and my location always... He would cause problems for me and with my family they would be very angry. Please, please can you help me. I cannot go anywhere and I cannot make phone calls and he sees all the calls. I cannot pay for anything as is his bank account that he will see payments and he will be angry with questions... Please, please can you help me."

"Due to the controlling nature of my partner I would not be able to access a clinic to receive NHS treatment. He is not aware I am pregnant and if he was he wouldn't allow me to have the treatment."

"I am in a coercive abusive marriage. My husband has expressed interest in having a third child which I do not want as I am in the process of making an exit plan and leaving with the two children we already have... I have to be extremely careful in regards to him finding out, he has to know my whereabouts at all times and I just can't figure out a way to get to the clinic without leaving a trail."

"I've been in a horrible abusive relationship and I've just found out I'm pregnant and I absolutely cannot keep this baby, I'm contemplating falling down the stairs over this I am at a total loss, I'm scared, and I'm alone."

Family control

"The problem I have is that I cannot tell any of my family about this. I will really struggle to get to a clinic and would have to drive quite far on my own twice for each tablet. I have two young children already and I'm just about to graduate and start my new job so I'm terrified that I won't be able to get this sorted before then. Also, I feel pressured by my partner and his mum to continue the pregnancy when I really do not want to. My relationship is already unstable and has been worse than ever in recent months."

"My family are Jehovah's witnesses. My mum made me agree to her being able to see my medical records when I turned 18, so she can make sure I'm 'stay in line with the religion.'"

Childcare

"I have a one-year-old son with no childcare at all. My nearest clinic is 53 miles away from me and there is no possible way of me going there without public transport and as you can imagine that would be a nightmare."

"I have a problem accessing this service due to being home bound with my son. He has very complex needs and a tracheostomy."

Health issues

"I suffer from a panic disorder which leaves me unable to go out. I really don't want to continue with this pregnancy due to the fact I am trying to get myself stable. At the time I was using condoms but it obviously split."

"I am looking to get the abortion pills as I have rang up multiple places and they cannot see me for weeks and I am suffering badly with severe sickness and cannot keep food down."