



We Trust Women

Briefing on reforming abortion law to protect abuse victims

Summary

- In England and Wales today, **a woman who ends her own pregnancy can be sent to prison for life** under the Offences Against the Person Act 1861.
- The application of **this law includes domestic abuse victims** who use abortion medication purchased online because they are unable to safely attend a clinic.
- The current law has **no specific offence for violent partners whose actions end a woman's pregnancy** unless he specifically intends to cause a miscarriage.
- One provider of online pills estimates **1 in 5 requests from Great Britain cite domestic abuse** as a reason they cannot access legal abortion care
- A further **13% of requests came from migrant women** who were not eligible for NHS care and thus could not access legal abortion treatment that they could afford
- During the current pandemic, women have been able to access legal abortion services remotely. **This provision is set to be removed in the near future.**
- As a direct result of access to remote abortion services, **women from Great Britain are no longer sourcing abortion pills online**, international providers confirm
- **71% of MPs polled this year – including more than half of Conservative MPs – say that abortion should be governed by medical law** rather than the criminal law

What we want

We Trust Women is calling on Parliament to amend the Domestic Abuse Bill to include reform of abortion law so that all women – including domestic abuse victims – can permanently access these services legally. We are also calling on Parliament to strengthen the law around non-consensual abortions to make it easier to prosecute violent or coercive partners or family members who end a woman's pregnancy without her consent.

The current law

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 Great Britain do so under the Abortion Act 1967. But this law did not change the law on abortion – it simply made it legal in certain, fixed circumstances.

Under the 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. If a woman does not abide by these provisions, they are liable for prosecution – even if they were unable to safely access a clinic.

The existing law criminalises all forms of intentional abortion – but does not provide for situations where a violent partner causes a miscarriage as part of another crime. Women in abusive relationships may, therefore, not have the loss of a wanted pregnancy recognised.

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.

Domestic abuse and pregnancy choices

Pregnancy is a time of significant risk for women at risk of domestic abuse. Many women report domestic abuse beginning during pregnancy, and for other women, abusive behaviour escalates. Domestic violence during pregnancy increases the risk not just to the woman but – in the case of a wanted pregnancy increases the risk of miscarriage, infection, premature birth, and injury or death to the child once born.

Many women who find themselves pregnant in an abusive relationship opt to end a pregnancy to avoid being tied to an abusive partner. For those women who are unable to safely access a clinic or a hospital, there are no options for legally ending their pregnancy outside of the emergency COVID provisions.

Women seeking online pills from the largest online pill provider reported in 2018 that inability to access legal abortions left them considering resorting to taking high dose cinnamon, vitamin C, alcohol, self-inflicted abdominal injury, hot baths, and hooks if they were unable to access medication online. **1 in 5 of these women were in an abusive or controlling relationship.**

“My partner knows where I am at all the times. 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’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.”

“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.’”

These situations were equally bad for women who were not eligible for NHS treatment, or who had no recourse to public funds. **Around 13% of requests for online abortion medication came from migrant women** in these situations – putting them at risk of criminalisation.

Prior to the introduction of remote abortion provision in April 2020, **online pill providers were receiving requests every day** for abortion pills from women in Great Britain. **As a direct result of the change in regulation, women in abusive relationships are no longer forced to resort to illegal abortions.** However, this regulatory change is only temporary, and reform of the law is necessary to ensure that this provision can continue.

Domestic abuse and abortion providers

Abortion providers ask every client they see whether they feel safe at home. Proportionally, we are more likely to encounter women who are planning to end their pregnancy without their abusive partner’s knowledge than a woman who has been coerced into attending a clinic.

During the COVID-19 pandemic, we know that reports of domestic abuse to national and local charities have increased. Within our own service, we have seen an increase in disclosures of domestic abuse – something echoed by all providers and which seems to be attributable to women feeling more comfortable in disclosing abuse over the telephone from home.

Reverting to a requirement to bring women into clinics to discuss safeguarding issues is likely to see a corresponding decrease in clients that providers are able to help in this way.

Who we are

We Trust Women is a coalition of clinical, VAWG, and women’s rights organisations, co-ordinated by the British Pregnancy Advisory Service, which campaigns to decriminalise abortion. The campaign is also supported by the Royal College of Obstetricians and Gynaecologists, the Royal College of Midwives, and the British Medical Association.