

Written evidence submitted by the Society for the Protection of Unborn Children (DAB94)

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About SPUC

The Society for the Protection of Unborn Children (SPUC) is the oldest pro-life campaigning and educational organisation in the world. The aim of the Society is to affirm, defend and promote the existence and value of human life from the moment of conception until natural death.

Introduction

SPUC welcomes the Government’s commitment to address domestic abuse at every stage from prevention through to rehabilitation. We also welcome the Government’s commitment to prevent domestic abuse by challenging the acceptability of abuse and addressing the underlying attitudes and norms that perpetuate it. Within this context we would ask that Parliament recognises the violation of women’s rights and the rights of their unborn children by abortion where it is associated with domestic abuse.

We also recognise that abortion providers and lobby groups that support increased abortion access have previously argued that an amendment to decriminalise abortion in England and Wales be tabled to the Domestic Abuse Bill. We aim to provide an alternative narrative, and detail how keeping abortion within the criminal law is vital to ensure that perpetrators of violence towards pregnant woman and their unborn children are brought to justice.

Abortion and domestic abuse

1. Increased abortion coercion for women experiencing domestic abuse. Domestic abuse is strongly associated with abortion. Intimate partner violence (IPV) is a risk

factor for abortion all over the world.^{1 2 3 4 5 6}. A WHO multi-country study found that women with a history of IPV had increased odds of unintended pregnancy and almost three times the risk of abortion.⁷ Removing abortion pills from a medical setting increases the opportunity for abusive partners to force women into having abortions.

2. A study of young, pregnant refugee and immigrant women looked after by the UK Government found that they chose to have their babies (even those who had been raped) despite the difficulties they faced and despite the negative assumptions of the healthcare profession. This outcome was due to individuals who created a culturally sensitive environment for the young women⁸
3. Women who had experienced IPV are more likely to experience suicidal ideation if they had a history of perinatal loss, whether it was abortion, stillbirth or miscarriage.⁹
4. Coercion and pressure are well-established risk factors for women's psychological adjustment to abortion.¹⁰
5. The damage from all abortion, and particularly coercive abortion, to the mental and physical health and welfare of women and the loss of unborn life is frequently eclipsed in a culture dominated by abortion advocacy, such as we have in Britain.

Abortion and trafficked women

¹ Hedin LW & Janson PO (2000) Domestic violence during pregnancy: the prevalence of physical injuries, substance use, abortions and miscarriages. *Acta Obstetrica et Gynecologica Scandinavica* 79:625-630.

² Taft AJ & Watson LF (2007) Termination of pregnancy: associations with partner violence and other factors in a national cohort of young Australian women. *Australian and New Zealand Journal of Public Health* 31(2):135-142.

³ Coker AL (2007) Does physical intimate partner violence affect sexual health? A systematic review. *Trauma, Violence, and Abuse* 8:149-177.

⁴ Fanslow F, Silva M, Whitehead A & Robinson E (2008) Pregnancy outcomes and intimate partner violence in New Zealand. *Australian and New Zealand Journal of Obstetrics and Gynaecology* 48:391-397.

⁵ Silverman JG, Decker MR, McCauley HR, Gupta J, Miller E, Raj A & Goldberg AB (2010) Male perpetration of intimate partner violence and involvement in abortions and abortion-related conflict. *American Journal of Public Health* 100 (8):1415-1417.

⁷ Pallitto CC, García-Moreno C, Jansen HAFM, Heise L, Ellsberg M & Watts C (2013) Intimate partner violence, abortion, and unintended pregnancy: results from the WHO Multi-country Study on Women's Health and Domestic Violence. *Int J Gynaecology Obstetrics* 120:3-9.

⁸ Mantovani N & Thomas H (2014) Choosing motherhood: the complexities of pregnancy decision-making among young black women 'looked after' by the State. *Midwifery* 30:e72-e78.

⁹ Gulliver P & Fanslow J (2013) Exploring risk factors for suicidal ideation in a population-based sample of New Zealand women who have experienced intimate partner violence. *Aust NZ J Public Health* 37(6):527-33.

¹⁰ Coyle CT, Shuping MW, Speckhard A & Brightup JE (2015) The relationship of abortion and violence against women: Violence prevention strategies and research needs. *Issues in Law and Medicine* 30(2):111-127.

6. Special attention should be given to trafficked women who are at high risk of sexual violence and of abortion. In a study of 107 survivors of sex trafficking in the USA, the women reported a total of 114 abortions, many of which were forced.¹¹

How does keeping abortion within the criminal law benefit victims of domestic violence?

7. Despite rhetoric that sections 58 and 59 of the Offences Against the Person act are used to criminalise women who have abortions, these offences are actually often used to prosecute abusive men who induce abortions, for example by putting abortifacients into the pregnant woman's food (see case studies). It is essential that men who kill or attempt to kill their unborn child are held accountable by the criminal law.
8. There is no explicit offence of forced abortion elsewhere in the law, which means that charges will instead be brought solely for injury to the pregnant woman's body, such as murder, battery, GBH or poisoning offences. There is no recognition of the injury caused to her baby as an extension of her injuries. Whilst this means the perpetrator will still be brought to justice, this patently will not be remotely satisfactory for a mother; losing a baby is devastating.
9. Under our current law, many women are coerced into an abortion by partners or family members. Proposals to decriminalise abortion through legislative change or to make permanent the current regime of remote abortion which flouts key aspects of the 1967 Abortion Act, would significantly worsen the plight of abused women. With decriminalisation, the requirement for two medical doctors to sign off on the abortion will be gone. The current permission for remote abortion means that while two doctors are still signing abortion forms, they are having no contact with the women (the abortion providers are providing the remote consultation) and so have no opportunity to detect coercion or other problems.
10. Under proposals to decriminalise abortion and under the current remote abortion policy there is concern about how coercion will be adequately identified if women are not coming into contact with professionals at several stages in the termination process. These supposed 'barriers' to a woman's access to abortion actually act as safeguards for these women.
11. These problems are already clearly evident under the temporary remote abortion regime. One woman who sought an abortion because she had an abusive partner told the Mail:

'At the clinic, they offered me the tablets to take away, but I said to send them through the post. I wasn't ready. It all seemed so fast. I was expecting to speak to lots of people, to be offered counselling.

¹¹ Lederer LJ & Wetzel CA (2014) The health consequences of sex trafficking and their implications for identifying victims in healthcare facilities. *Annals of Health Law* 23:61-91.

'It didn't feel like a medical procedure. It took me less time to sort out than to do my Asda shopping.'

After suffering agonising pain and complications, she says: 'The next day I felt really sick, faint and dizzy. I'm still bleeding even now, a few weeks on. Because my partner is here and doesn't know what I did, I've not been able to ring anyone for any advice.'¹²

12. The “no questions asked” approach to abortion by health professionals hides the crimes of child sex abusers. We can envisage many situations in which abusers would take advantage of the no-questions-asked abortion culture to hide their crimes against vulnerable women.
13. Studies on domestic abuse have actually suggested that there should be greater efforts to ask women if they are subject to domestic abuse when they present for an abortion.¹³ Making abortion “more accessible” through decriminalisation or making remote abortion permanent would be moving in the opposite direction.

Case studies where abusive partners have been convicted under the Offences Against the Person Act

Isaac Lyndsay (December 2019)

14. Isaac Lyndsay, aged 27 from London, persuaded the pregnant woman to take the abortion drug, misoprostol, by falsely telling her that he had been diagnosed with cancer. Lyndsay carried out a range of internet searches before exploiting his partner which included “how to convince your partner to have an abortion” and “what drugs to use to terminate a pregnancy”.
15. Lyndsay enlisted two accomplices, Rahman and Christy to obtain the abortion drugs which were then given to the woman who was past the 24-week abortion time-limit.
16. Lyndsay and the accomplices admitted to conspiring to administer poison to the woman to procure a miscarriage, an offence under section 58 of the Offences Against the Person Act. Lyndsay was sentenced to seven years’ imprisonment. Rahman and Christy were sentenced to three years each for aiding him.¹⁴

¹² <https://www.dailymail.co.uk/femail/article-8367467/Abortions-post-got-rushed-approval-lockdown-troubling-stories-emerging.html>

¹³ <https://obgyn.onlinelibrary.wiley.com/doi/pdf/10.1576/toag.11.3.163.27500> p 166

¹⁴ <https://spuc.org.uk/latest-news/latest-news/keeping-abortion-in-the-criminal-law-ensures-abusive-men-are-brought-to-justice-says-spuc-after-man-is-jailed-for-manipulating-woman-into-abortion>

Harief Pearson (July 2019)

17. Harief Pearson, 22, enlisted his cousin Kydie McKenna, 22, and a 15-year-old teenage girl, who cannot be named, to kill his unborn baby because he “did not want to be a father”, a court heard.
18. When the victim broke the news of her pregnancy over the phone to Mr Pearson, he replied: ‘You know what to do, I am not ready to have a kid.’ James Thacker, prosecuting, said: ‘She told him she wanted to keep the baby and wanted him to be part of their lives. ‘Mr Pearson told her he would get someone to kidnap her.
19. Because she refused to have an abortion, the trio subjected the victim, who was 17 at the time, to a horrific ordeal lasting many hours. The two girls punched, stamped and kicked the victim on her stomach, back and chest. They also ripped off one of her nails and poured alcohol over her bloodied face.
20. When she asked for water, alcohol and blue laundry detergent was poured into her mouth instead.
21. Mr Pearson was sentenced to 11 years’ imprisonment at Harrow Crown Court on Friday after admitting to trying to cause GBH part-way through the trial.
22. The teenager admitted to attempting to cause GBH, administering poison to cause a miscarriage, and false imprisonment and was sentenced to four years in a young offenders’ institution.
23. Ms McKenna was jailed for 10 years after pleading guilty to trying to cause GBH and perverting the course of justice.
24. The only one of these offences that focuses on the attempt to kill the baby (pouring detergent down the victim’s throat), rather than harm to the mother is “administering poison to cause a miscarriage”. Crucially, this is an offence under section 58 of the Offences Against the Person Act.¹⁵

Gil Magira (March 2008)

25. Gil Magira, 36, from Hendon, north London, admitted crushing up the pills, which he bought online, and sprinkling them in his wife's sandwich, yogurt and a bowl of cereal in an attempt to end her 11-week pregnancy.
26. Magira was jailed for three years and nine months after pleading guilty to a charge of using an instrument to procure a miscarriage. It was the first time in more than 30 years that someone had been charged with such an offence. It was also the first time that a father has been prosecuted for trying to terminate a pregnancy in such a way.¹⁶

¹⁵ <https://www.spuc.org.uk/latest-news/latest-news/trio-jailed-for-pouring-detergent-down-pregnant-teen-s-throat-to-force-abortion>

¹⁶ <https://www.independent.co.uk/news/uk/crime/man-laced-pregnant-wifes-meals-with-abortion-pills-789990.html>

Edward Erin (Oct 2009)

27. Hospital consultant Edward Erin was found guilty of trying to spike his pregnant mistress Bella Prowse's drinks to make her miscarry their love child.
28. He was tried under an obscure section of the 1961 Offences Against the Person Act, with procuring, administering and attempting to administer poison to cause a miscarriage.¹⁷

Case study on remote abortion

29. At the time of writing a Midlands coroner is investigating the case of the death of a baby at 28 weeks gestation whose mother took abortion pills supplied through the post by the British Pregnancy Advisory Service.¹⁸
30. Many questions need to be answered in this case, including whether the woman was in an abusive situation and whether she was coerced. Remote abortion is inadequate in protecting abused women.
31. Evidence suggests that women in a crisis pregnancy, including women in abusive situations, want nurturing and emotional support as well as social support.¹⁹ Remote abortion fuels the perception that it is a 'safe and simple' option.

Recommendations

32. For domestic abuse legislation to be fit for purpose, healthcare and other professionals must receive guidance and training on recognising the risk factor of coercive abortion in domestic abuse.
33. The legislation must ensure that healthcare professionals have full, up-to-date information on the mental and physical health risks to women from abortion.
34. Legislation must include a requirement for social support for abused women in the context of an unplanned pregnancy.
35. Domestic abuse legislation must not be used to amend abortion law either by repealing sections of the 1861 Offences Against the Person Act or by amending the 1967 Abortion Act, or making any other provision to make remote abortion permanent.

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¹⁷ <https://www.telegraph.co.uk/news/uknews/crime/6376358/Hospital-consultant-guilty-of-poisoning-mistress.html>

¹⁸ <https://www.thesun.co.uk/news/11690506/police-probe-death-of-unborn-baby-after-woman-has-illegal-abortion-by-post-at-28-weeks-four-weeks-past-limit/>

¹⁹ Gray J (2014) Social support communication in unplanned pregnancy: Support types, messages, sources, and timing. *Jnl Health Communication* 19:1196-1211.