

UPHOLDING WOMXN'S RIGHTS TO ACCESS ABORTIFACIENTS:

Clarifying Pharmacists' Role in Reproductive Healthcare

The South African Pharmacy Council (SAPC) has issued an e-Note confirming that pharmacists may not refuse to dispense abortifacients (a drug that induces abortion) due to personal beliefs or moral reasons. This e-Note comes after 13 NGOs and legal centres addressed an open letter to the SAPC and the National Department of Health. The letter highlighted alarming reports of pharmacists refusing to dispense abortifacients despite patients having valid prescriptions. A vast majority of these pharmacists cited moral or religious grounds as the reason for their refusal to dispense. A staggering 40% of surveyed pharmacies were implicated in these refusals, undermining constitutional rights to reproductive autonomy and access to healthcare.

Victoria Satchwell from Abortion Support South Africa emphasises the devastating consequences of these refusals :

“When a woman in a rural part of the country is told by the only pharmacist in town that they won’t dispense her valid prescription for abortion medication, this often means she won’t get the help she needs or she’ll resort to unsafe methods. Pharmacists cannot decide for a woman if she should have an abortion, and they should not push women into the backstreet”.

The open letter was accompanied by a legal opinion prepared by the endorsers of this press release which set out in detail what the legal position is in respect of pharmacists who refuse to dispense abortifacients when a valid prescription is presented. The legal opinion emphasised that under the Choice on Termination of Pregnancy Act, 1996 (CTOP Act), and the National Clinical Guideline for Implementation of the Choice on Termination of Pregnancy Act (The Guideline), pharmacists who refuse to dispense abortifacients due to personal beliefs and morals may be guilty of unlawful conduct in the form of obstruction to access of healthcare.



The Guideline expressly states that pharmacists, as indirect healthcare providers, may not refuse to provide general or standard care to an individual, based on personal beliefs. The penalty for obstruction to access in terms of the CTOP Act, once convicted, is a fine or imprisonment for a period not exceeding 10 years. In response to our open letter, the SAPC issued an e-Note on 23 December 2024, affirming that pharmacists:-

- may not hinder or prevent any woman from exercising their choice to terminate a pregnancy based on their own personal opinion or beliefs;
- must act in the best interests of their patients;
- must respect patients' autonomy in making reproductive health choices;
- must perform their duties for the wellbeing of their patients

The SAPC further clarified its authority, as provided in the Pharmacy Act, to investigate and sanction improper conduct committed by pharmacists who refuse to dispense due to personal or moral beliefs.

The authors of the open letter welcome the SAPC's response and the clarification that it has provided to its members on what their duties are under the CTOP Act and the Guideline. In doing so, the SAPC has ensured that Pharmacists are aware of their obligations to their patients which will have a significant impact in improving womxn's access to reproductive healthcare.

Misoprostol is standard care for abortion as per the Guideline and the World Health Organisation Abortion Care Guideline. While misoprostol's off-label use for abortion remains discretionary, efforts are underway to introduce registered abortion-specific products. Despite our advocacy milestone, further work is needed to ensure widespread compliance and access.

We commend all endorsing organizations for championing this critical issue. Together, we have reaffirmed that access to healthcare must be equitable, compassionate, and in line with our constitutional values. We remain committed to fighting for reproductive justice.



Members of the public who wish to report pharmacists refusing to dispense prescribed abortion medication due to personal beliefs are encouraged to file complaints with the SAPC . For assistance in lodging a complaint, please contact SECTION-27 at:-

E-mail: info@section27.org.za

Tel: 011 356 4100

WhatsApp: 060 754 0741 or 067 419 6841

For media inquires, kindly contact:

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