

You've probably heard that there are proposed changes to abortion law in New Zealand.

This information sheet summarises the current law and the changes proposed in the Abortion Legislation Bill. Public submissions close on 19 September 2019. Making a submission is easy!

The Bill would make it much easier to get an abortion

1. Up to 20 weeks: Women will be able to have abortions on demand, with no restriction. The current law says that up to 20 weeks, abortions are lawful in certain circumstances (including where there's serious danger to the woman's life, or physical or mental health).
2. From 20 weeks until birth: Women will be able to have abortions if a Health Practitioner reasonably believes the abortion is appropriate in the circumstances, having regard to the woman's physical health, mental health and well-being. The current law says that after 20 weeks, abortions are lawful to save the woman's life or to prevent serious permanent injury to her physical or mental health.

Clarifying some misunderstandings

1. Doesn't the current law make women criminals for getting abortions?
No. Abortions can be unlawful in defined circumstances, but the Crimes Act 1961 specifically states that a woman cannot be charged for getting an unlawful abortion; the responsibility is on the person giving the abortion to make sure that the abortion is lawful. Under a provision in a different Act, women can face a maximum \$200 fine for an unlawful abortion. However, due to the way the law has been implemented in practice, no woman or doctor has ever been convicted for having, or performing, an unlawful abortion. To remove any possibility of criminal charges for a woman seeking an abortion, we could just remove the \$200 fine, but this Bill goes much further than that.
2. Will late-term abortions really be possible under the new law?
Yes. If the Bill is passed, abortion will be legal right up until the point that a child has been fully born as long as one Health Practitioner believes the abortion is appropriate. Some supporters of the Bill say abortions in the final weeks of pregnancy won't happen, but:
 - a. Late term abortions already happen under our current, more restrictive, law; and
 - b. Good law-making requires our Parliament to ensure that the unthinkable cannot happen, not just to hope that it won't. There is nothing in this Bill that would make it illegal for an abortion to occur up to (and during) birth. If we do not want this to happen, then the Bill should specifically restrict it.

There are major problems with the Bill

1. The Bill makes abortions only about a mother's health. It does away with any recognition of the value of the unborn child.
2. The proposed test for legal abortions after 20 weeks is very broad and unrestrictive. It is difficult to see many circumstances in which an abortion would be denied (for instance, childbirth itself impacts a woman's physical health and mental health, and well-being is a very vague concept). In practice, abortions will likely be available on demand until birth.

3. Abortion drugs will no longer need to be prescribed by a doctor. Non-surgical abortions will not need to be performed by a doctor. Abortion premises will not need to be licensed. The impact? Prior to 20 weeks a pregnant woman (of any age) could obtain abortion medication from (for example) a midwife, school nurse, or family planning clinic.
4. There will be nothing to prevent abortions due to (the risk of) disability of the unborn child right up until birth (provided one Health Practitioner believes it appropriate).
5. There are no safeguards in the Bill to protect women from having an abortion as a result of coercion. For many women, abortion is not a genuine choice.
6. There will be nothing to prevent abortion on the grounds of sex-selection, so for example a family that doesn't want a girl could decide to abort their baby for this reason alone.
7. A pregnant child of any age can consent to having an abortion without their parent/caregiver knowing or consenting. This is particularly concerning given that abortions will be easily accessible and available on demand until 20 weeks. This could leave a young person with the burden of making a life-changing decision without parental input and support.
8. Health Practitioners with a conscientious objection to abortions will still have to tell women how to access the list of abortion providers. Employers will also be able to fire, refuse to hire, or give less favourable work conditions to, employees with conscientious objections.
9. The Bill allows for "safe areas" to be implemented. These would make it a criminal offence to simply communicate with someone in the area surrounding an abortion provider's premises in a way that could cause them emotional distress. For example, silently offering information about crisis pregnancy services.

Recommendations

You can simply say no to the Bill in its entirety. However, your objections will be better understood by the Select Committee if you specify which elements of the Bill concern you, and why. Some suggestions are:

1. Put a time limit on how late in a woman's pregnancy an abortion can be done (except if the woman's life is at risk).
2. Rule out abortions on discriminatory grounds such as sex-selection and disability.
3. Require that women are given full information about what is involved in an abortion and their alternative options, and that they have time to consider before going through with an abortion.
4. Ensure that abortions are carried out by doctors in licensed premises.
5. Require that a pregnant child under 16 has the consent of a guardian.
6. Reject the possibility of "safe areas", and ensure Health Practitioners can conscientiously object to any involvement in abortion services.

Write a submission

Submissions close 19 September 2019. We have a helpful guide to writing a submission at voiceforlife.org.nz. Also, if you would like to learn more, you will find links to the Abortion Legislation Bill and the recent Law Commission Report on our website.