



September 2019

## ORAL SUBMISSION – Abortion Legislation Bill

We oppose this bill.

We believe that abortion is *both* a health issue and a legal issue. The health of the mother, and the health of the unborn child - the legal safety of the mother, and the legal status of the unborn child.

The focus of this policy shift is entirely on the 'wellbeing' of women seeking abortion. The Government does not appear to have considered the status of a foetus, nor any State interests in preserving life. Under the current law (Crimes Act 1961), an unborn child is afforded some recognition and (minimal) legal protection. In contrast, treating abortion as a health issue and removing it from the Crimes Act 1961 gives the unborn child the same status as an appendix, tonsils or gall bladder – simply tissue removed as part of a 'health procedure'.

### 1. International Law

New Zealand is a signatory to the following international instruments. The proposed law contravenes the requirements of these instruments:

#### Universal Declaration of Human Rights

- Article 3  
*Everyone has the **right to life**, ...*

#### Convention on the Rights of the Child, 1989

- Preamble  
***childhood is entitled to special care and assistance...***  
  
*... **particularly children, should be afforded the necessary protection***  
  
*..."the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, **before as well as after birth**"...*
- Article 6  
*1. States Parties recognise that **every child** has the inherent **right to life**.*
- Article 24  
*2. States Parties shall take appropriate measures:*  
*(a) To diminish **infant** and child **mortality**;...*  
*(d) To ensure appropriate **pre-natal** and post-natal health care for mothers;*

#### UN Committee on the Rights of the Child 2006

- Para 53  
*The Committee recommends that States parties introduce and strengthen **prenatal care for children...***

This proposed law contravenes the international instruments that NZ is a signatory to.

That is why the Crimes Act has been titled

**182 Killing unborn child**

*(1) Everyone is liable to imprisonment for a term not exceeding 14 years who causes the death of any child that has not become a human being in such a manner that he or she would have been guilty of murder if the child had become a human being.*

*(2) No one is guilty of any offence who before or during the birth of any child causes its death by means employed in good faith for the preservation of the life of the mother.*

An inconvenient title – but a biological truth.

## **2. When does life begin – as defined by biology**

Before any change is made to laws around the unborn child, we **must** ask a simple question – when does life begin.

As you consider this law, where on the timeline of conception to birth does human life begin? And what happens in that moment to turn growing human tissue in to a growing human being?

Is it

- Conception that one becomes human
- Mother told she is pregnant
- Heartbeat
- Viability
- After 30 weeks
- Birth
- 1 year old

In independent polling on the issue – using the same company that ALRANZ also uses - only 18% believe life begins when child is born. 45% believe conception or first trimester.

On what grounds do we decide that there is a *growing* of a child v the *becoming* of a child?

The statement is made “my body my choice” – but the truth is that in a pregnancy, the mother’s body is not the only body, so the mother’s rights are not the only rights.

Giving of human rights cannot be determined purely on whether the child is wanted or planned or perfect. Sadly, many children suffer abuse at the hands of their mother on the basis that they are not wanted at that time. They absolutely deserve human rights.

The reason this issue is so important is that if we don’t get the answer to the question right – “when does life begin?” – we may inadvertently be killing human beings.

### 3. Problems with the legislation

#### What do the proposed models for abortion law reform leave out?

Even if we did support the intent of this bill – which we don't at all - the Abortion Legislation Bill leaves serious gaps.

#### CRITERIA FOR ABORTION

In all cases, there is no statutory test and there are no safeguards to prevent abortions on the grounds of sex- selection, disability or coercion of the woman.

The Bill does not outline what information the Health Practitioner will be required to provide the woman as to her other options, available supports should she wish to continue her pregnancy, or even a detailed understanding of what an abortion involves.

Counselling is available but not mandatory.

There is no stand-down period to ensure that a woman has had the opportunity to carefully consider her options prior to proceeding with an abortion; this is particularly necessary given that the Bill has done away with a requirement to have two Certifying Consultants consider each case.

For abortions after 20 weeks, the terms “physical health,” “mental health” and “wellbeing” are not defined by the Bill. On a natural reading these terms are broad and unrestrictive. Given the policy intent to make abortion more accessible, it is difficult to see many instances in which an abortion would reasonably be refused.

#### SEX SELECTIVE ABORTIONS – TARGETING FEMALES

Sex selective abortion is a well-known problem in China and India, where son-preference cultures have resulted in extremely skewed sex ratios. Sex discrimination carried out via abortion is well documented and has resulted in millions of “missing” girls in some societies. The number of girls and women missing from the global population is estimated to be more than 160 million, with sex selection being a major culprit. The practice of sex selection has been widely condemned.

There is evidence that sex selective abortion is already occurring in some parts of Australia. Naïve not to think it's happening.

#### LATE TERM ABORTIONS

The Abortion Legislation Bill would make late term abortions considerably more accessible than they are under the current law – currently it's only available for exceptional circumstances – threat to life of mother or foetal abnormality. In this bill, After 20 weeks' gestation, a baby could be aborted as long as the health practitioner who intends to perform the abortion (immediately a conflict of interest) considered that the abortion was 'appropriate in the circumstances'.

Although a full-term abortion is highly unlikely for many reasons (lack of demand, but also lack of abortionists willing to perform it (understandably) and so on), the Bill has been drafted in such a way that an abortion can **legally** be obtained up until the point that a child has been fully born, with approval of one Health Practitioner.

Responses often given by pro-abortion advocates to any argument in respect to late term abortions is that in New Zealand not many abortions have occurred after 20 weeks and therefore this is insignificant and should not be a focus of discussion.

The statistic is true – but it still happens – almost 1,000 in the last 10 years - and one life is still one life too many – but if it's just a 'health issue', a 'right to choose', and 'a foetus' with no human rights, why are they

so defensive about the unborn child being 15 weeks, 25 weeks or 39 weeks? It's because they know the reality of humanity and biology.

Currently, late term abortions in New Zealand account for approximately 0.6% of all abortions. The most recent data from the U.S. Centers for Disease Control and Prevention (CDC) on total abortions and late-term abortions suggests that approximately 1.3% of abortions are late-term. Late-term abortions constitute as much as 3% of all abortions in Colorado.

This suggests that late-term abortions could double under a more liberal regime.

Independent polling of New Zealanders released last year found significant support for *stricter* time limits on abortion, *not* more liberal, including from those who generally support abortion. There was surprisingly small support for the current Crimes Act time limit being as long as 20 weeks, and overwhelming rejection of *any extension* to the limit as lobbied for by pro-abortion groups.

Social justice begins in the womb – whether at 20 weeks or at 39 weeks.

### PARENTAL NOTIFICATION FOR ABORTIONS FOR CHILDREN (UNDER 16)

The Bill has removed all safeguards prior to 20 weeks, including for a pregnant child who could access an abortion on demand.

In all other health procedures, a Health Practitioner is required to assess whether a patient has the competence to provide informed consent to a procedure. The younger the child, the more likely that decisions about their health will need to be made by their guardian. Yet, in the case of abortion, a child is able to consent to their own abortion regardless of whether they have the necessary competence.

A pregnant child will be left to make a life-changing decision without any meaningful support or oversight.

The Government's bill has failed to put in place any safeguards to ensure that the young girl is not seeking the abortion as a result of abuse or coercion from a boyfriend or family member. There will be no requirement that the young girl receive counselling prior to having an abortion. The Bill does not outline what information the abortionist will be required to provide to her as to her other options, available supports, or even a detailed understanding of what an abortion involves. There is no stand-down period to ensure that she has had the opportunity to carefully consider her options prior to proceeding with an abortion.

Official statistics show that between a quarter and a third of girls aged under 16 who have an abortion don't tell their parents - approximately 600-700 teenage girls over the past 10 years.

So while a parent has to sign a letter to give permission for their daughter to go on a school trip to the zoo or to play in the netball team or have Panadol, they can be totally excluded from any knowledge regarding that same child self-referring for an abortion. Ironically, if there is a complication from the abortion, the parent's consent is then required for further treatment.

Surveys show that almost 80% support parental notification laws. 2012, two out of three teenagers (aged 15-21) thought parents should be told.

### CONSCIENTIOUS OBJECTIONS

We have concerns but we will allow medical professionals to speak to their concerns around the freedom of conscience objection. (NZMA)

### WOMEN HAVE A RIGHT TO BE FULLY INFORMED

A recently-published research review paper "*Abortion and the Physical and Mental Health of Women - A review of the evidence for health professionals*" reviews the international evidence to date about the relationship between abortion and the physical and mental health of women – from both sides. It shows that

abortion **can** be associated with a wide range of adverse physical and psychological outcomes, and it is essential that women are made fully aware of all the risks.

- Intimate partner violence (IPV) is strongly correlated with abortion, with some research showing a 6-fold increase of IPV in women undergoing abortion compared to those in antenatal care. Abortion has also been linked to international trafficking and slavery of women. Presentation for abortion may be an opportunity to address the risk of coercion and intimate partner violence.

## **Basic legal safeguards are currently in place**

Contrary to media portrayal of comments by the ASC to the Select Committee, the concerns raised by the ASC in their 2016 report relate only to:

- Some of the wording in the Act being “outdated and clumsy”
- Complicated wording around referrals and consultation processes
- Allowing for technological advances
- Doctors are referred to as ‘he’
- Medical practitioners are referred to as the “woman’s own doctor” but this is not always the case
- The outdated term of “mentally subnormal”

In their 2017 report, they say:

“The ASC does not propose amendments that would change the original intent of the ACT. The ASC recognises the merit in having a robust pathway in place, which requires certifying consultants to assess and certify patients and to ensure counselling is offered.”

**Neither of these reports make any recommendation that s182 of the Crimes Act should be removed.**

## **What do New Zealanders really think?**

Contrary to misrepresentation by pro-abortion groups, New Zealand women are either satisfied with the current regulation of abortion or want it made more restrictive.

More than half of women want shorter, not longer, time limits for abortions

90% oppose sex selective abortions

2 out of 3 people want women to be fully informed about the medical risks and the alternatives

76% want doctors to be required to verify there is no coercion

4 out of 5 want parents to be notified

Almost half of NZers believe that once a heartbeat can be detected, a foetus should have human rights and be protected

Only 18% believe that life begins at birth

78% support freedom of conscience for medical professionals

## **This should not be a rushed process**

We would respectfully ask that the Select Committee take the full time necessary to allow the public to express their view on this highly controversial and significant piece of proposed legislation. No other issue quite cuts to the heart of our humanity and life than the issue of abortion – and that is why you can expect a strong reaction – from both sides.

This is a significant piece of legislation. The number of submissions and the length and substance of the Law Commission report alone confirms just how difficult this issue is. And we suspect that the huge number of submissions that you will receive – from both sides – will indicate that considering this policy should not in any way be rushed.

If anything, it should emphasise that extreme caution and consideration should be applied, in a generous timely manner – because if we get this wrong, there are deadly consequences.

For that reason, we believe you should attempt to travel the country and hear as many oral submissions as reasonably possible. If that means requesting further time to present your report back to Parliament, so be it.

All NZers should be respected and listened to on this issue. We celebrate our own birthday every year – for good reason.

## Finally

Norma McCorvey, formerly known as Jane Roe, is the woman whose 1970 Supreme Court case first legalised abortion in the United States (*Roe v. Wade*). Assisted by her notoriety, Norma obtained work in abortion clinics after her Court case. Based on her learnings about the nature of abortion and its impact on women, Norma subsequently fought to reverse the result of *Roe v. Wade*.

*Working in the abortion clinics forced me to accept what abortion really is. It is a violent act which... destroys the peace and real interests of the women involved.*

- Norma McCorvey

Last night we held the first showing of the movie ***Unplanned*** in NZ. It's based on the true story of Abby Johnson who was one of the youngest Planned Parenthood clinic directors in the States, she was involved in upwards of 22,000 abortions and counseled countless women about their reproductive choices. Until the day she saw something that changed everything – an actual abortion procedure that she helped with, leading her to become one of the most high profile pro-life speakers in America.

On the set of the movie (which she doesn't actually act in) she said; "What I found disheartening at Planned Parenthood was the only option we provided a woman in crisis was an abortion. We didn't do anything to help her get on her feet. In the pro-life movement, we're focused on life from conception to death. Some groups focus on women who have faced abuse, others on adoption, on the elderly — or on abortion industry workers, as we do. If we can't even bring these children into the world, there's no hope of actually fixing the crisis a woman is in. That just compounds the problems already taking place in her life. Why not help fix the crisis, rather than abort the pregnancy?"

The polling by Curia Market Research show that an overwhelming majority of New Zealanders love both women and their unborn children.

And we want the law to reflect that love.