

Abortion Law Reform – Key Concerns

On Friday 14 February 2020, the Abortion Select Committee sent its recommendations regarding the Abortion Legislation Bill to Parliament, recommending by a majority that it be passed with only very minor amendments. The amendments fail to deal with substantive concerns raised by The Nathaniel Centre and the NZ Catholic Bishops Conference in their submission to the Select Committee. Ongoing concerns are summarised below:

1. There are always at least two human lives at stake in an abortion. The proposed Bill removes completely the human rights of the unborn child. Every unborn child is a member of the human family.
2. The proposed Bill will enable abortions to occur without requiring any justification up to 20 weeks gestation, creating abortion on demand up to 20 weeks.
3. The proposed Bill significantly lowers the threshold for obtaining abortions *after* 20 weeks gestation. The criteria for the statutory test are open to broad interpretation, and will allow abortions up to birth. Because the wording of the statutory test virtually mirrors the eligibility criteria of the current law up to 20 weeks, we believe the proposed changes will, in practice, also allow abortion on demand after 20 weeks.
4. While the Committee acknowledges they heard from women who might not have chosen abortion if they had received more support (p.2), there are no mandatory provisions in the Bill for ensuring women are: given information about the consequences/risks of having an abortion; made aware of all their options; able to receive the practical support needed to help them make a different choice.
5. No mandatory provisions are proposed for ensuring women receive emotional and psychological support after an abortion if needed.
6. The proposed law will not assist many women (and their partners) to deal with the coercive realities that can surround many abortions.
7. Disabled unborn children will be more vulnerable under the proposed law. The current law explicitly prevents abortions on the basis of “fetal abnormality” after 20 weeks. That the proposed law does not do the same represents a major step backwards in terms of disability rights.
8. The proposed law will allow for abortions on the basis of gender discrimination up to 20 weeks, and arguably beyond that given the broad parameters of the statutory test for abortions after 20 weeks.
9. A woman of any age can self-refer under the proposed law, including pregnant teenagers. Under the current law, the process of requiring a doctor to refer, and two certifying consultants to sign off, provides layers of scrutiny and support for pregnant teenagers that will no longer exist. There are no mandatory safeguards in the proposed law to ensure that teenage mothers are not seeking an abortion because of abuse or coercion or a lack of awareness of other options.
10. The proposed Bill fails to adequately protect health practitioners’ rights to freedom of conscience.
11. The ability to introduce ‘safe zones’ is a disproportionate response that restricts the rights of New Zealanders to freedom of expression – there are existing legal protections that are sufficient.

A full copy of the joint submission from the NZ Catholic Bishops Conference and The Nathaniel Centre can be found here: <https://tinyurl.com/suy9h9g>

The Select Committee Report can be found here: <https://tinyurl.com/rm9lqw5>

Please convey your concerns to your MP in writing or verbally before the Bill receives its 2nd & 3rd readings.

Material prepared by staff of The Nathaniel Centre