

THE ABORTION LEGISLATION ACT 2020

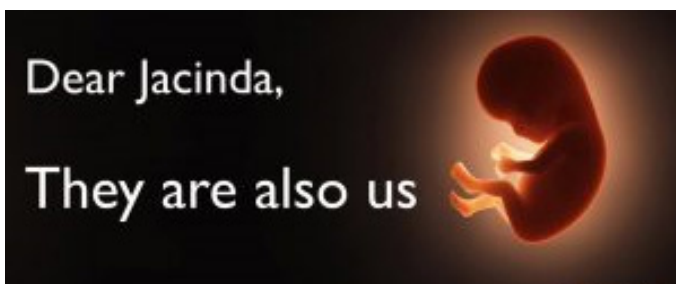
ONE OF THE MOST EXTREME ABORTION LAWS IN THE WORLD

FETAL FLAWS



ABUSE OF HUMAN RIGHTS

Taking abortion out of the criminal code and inserting it into health legislation has given the unborn baby the same status as an appendix, gall bladder or tonsils – simply ‘tissue’ removed as part of a ‘health procedure’. Anyone who has viewed the ultrasound of an unborn child will know that this is a gross abuse of human rights. It also creates inconsistency with other legislation and public health messaging which clearly recognises the rights of the unborn child. Abortion is both a health issue and a legal issue.



When does life begin?

The question we should be debating is this: at what point does the unborn child become a human being? At what point does the foetus deserve human rights and protection? Prime Minister Jacinda Ardern has so far refused to answer this question, put to her by 12 women who have experienced abortion. In an open letter to the Prime Minister, the women said that a **failure to answer the question may result in inadvertently killing human beings**, rather than merely ‘removing human tissue’.

YES, LATE-TERM ABORTIONS UP TO BIRTH ARE LEGAL

Previously, the Crimes Act allowed for an abortion after 20 weeks’ gestation *only in exceptional circumstances*. The new law means that a woman can have a late-term abortion if the abortion provider ‘reasonably believes the abortion is clinically appropriate in all the circumstances,’ having regard to the woman’s physical and mental health and wellbeing. **This is a very broad, subjective test.** The terms ‘physical health’, ‘mental health’ and ‘wellbeing’ are **not defined** by the law. The gestational age to be considered is **not defined**.

Given one of the intents of the law was to make abortion more accessible, it is difficult to imagine many instances in which an

abortion could now be refused. Justice Minister Andrew Little has admitted that late-term abortions up to birth *could* happen under the new law. Make no mistake – **the law 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, for any reason** – despite what politicians may claim.

* Statistics NZ data shows that 800 late-term abortions have been performed over the last 10 years where there was no danger to the physical health or life of the mother, ie 91% of all late-term abortions were not to save the life of the mother.

[A majority of MPs voted against an amendment to allow abortions post-20 weeks only for extreme circumstances.]

NO ‘BORN ALIVE’ PROVISION

A proposed amendment to the new law *specified* that if a baby was born alive after an attempted abortion procedure, there was a duty to provide the child with appropriate medical care and treatment. Internationally, babies have survived abortion – not just for a few hours but sometimes through to adulthood – so it was vital to have an express provision in the abortion legislation to reinforce this obligation.

[A majority of MPs voted against the proposed amendment.]

BACKSTREET HOME ABORTIONS



Women may now be able to access the abortion process from home, and possibly even from school. The law has also broadened the category of people who may certify and perform abortions: “medical practitioner” has been replaced by “health practitioner”. This means that a Family Planning nurse could

prescribe abortion pills – which trigger a miscarriage – over the phone or by video (e.g. Facetime or Skype).

Previously, abortion drugs had to be taken on the premises of a licensed medical practitioner. Now, under the new law, pills may be delivered to a home by courier, meaning no supervision over who takes the pills or whether the medication is taken at the correct time. It is also much more difficult to discern if a woman or girl is vulnerable, in an abusive or coercive relationship, and

whether a reliable adult is present to care for her during what can be a painful and/or distressing process. The home abortion could be used as a way to cover up abuse more easily. **All of this will place women at increased risk.**

NO FOETAL PAIN PROVISION

A proposed amendment to the new law would have **required those performing abortion procedures post-20 weeks to ensure the foetus did not feel pain.** This would have been similar to the Animal Welfare Act, which requires vets to make sure animals don't feel pain.

[A majority of MPs voted against the proposed amendment.]

Green Party Logic

Aborting cows

"inhumane and cruel"



Aborting humans

"compassionate healthcare"



NO SUPPORT FOR WOMEN

There are no provisions in the new law to protect women and girls from being coerced into an abortion – for example, by a boyfriend or family member. There are also no provisions to ensure women have the mental-health support they need, both before and after an abortion, or that they are made fully aware of the physical and psychological risks of abortion. The law does not require that women be informed of all their options and the support available – and the Ministry of Health says women who are considering an abortion should be told that 'abortion is safer than continuing a pregnancy.'

NO PARENTAL NOTIFICATION

The new abortion law allows schools to take girls for an abortion without parental knowledge. In fact, prior to 20 weeks, **a young girl can simply self-refer for an abortion.** In all other health contexts, a health practitioner is required to assess a child's capacity prior to a medical procedure and, where capacity is lacking, obtain the consent of a parent or guardian. Why can parents be deliberately excluded from this procedure? It is ironic that abortion supporters want abortion to be treated as a 'health' issue, but not when it involves a teenager.

[A majority of MPs voted against a proposed amendment to treat abortion similar to other health procedures in terms of parental involvement.]

SEX-SELECTIVE ABORTIONS

The new law does not specifically prevent sex-selective abortions. Sex selective abortion is a well-known problem in China and India, where son-preference cultures have resulted in extremely skewed sex ratios.

There is evidence that sex-selective abortion is already occurring in other countries, including Canada and Australia. It should be a crime when baby girls are aborted simply because they are girls.

[A majority of MPs voted against a proposed amendment to explicitly outlaw sex-selective abortions.]

NO TIME LIMIT FOR DISABILITIES



The new law has removed the previous 20-week time limit for disability abortions. In 2017, during the election campaign, the organisation Saving Down's highlighted concerns around Jacinda Ardern's pledge to change the law, saying this would introduce abortion through to birth for babies with disabilities.

In response, Jacinda Ardern made a commitment to not increase the time limit for disability-selective abortion. In the UK, there are increasing numbers of late-term abortions for conditions such as cleft lip and club foot.

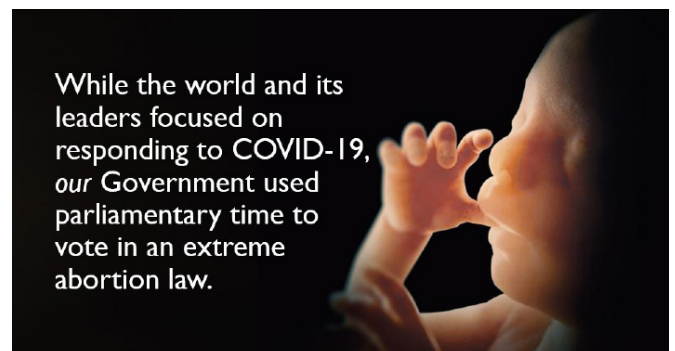
[A majority of MPs voted against a proposed amendment to explicitly outlaw disability-discrimination abortions.]

LESS FREEDOM OF CONSCIENCE

The new law waters down the freedom of conscience rights for health practitioners. Those who disagree with abortion will now be required to provide information to women about abortion service providers – against their own consciences. Also of concern is the *potential* for an employer to terminate a position, or to refuse to hire someone, on the grounds of his or her conscientious objection. [A majority of MPs voted against proposed amendments to keep conscientious objection standards the same as they were under the previous law.]

PUBLIC OPPOSITION

More than 90% of public submissions opposed the bill – and almost 95% of those who also wanted to speak to the Abortion Legislation Committee were denied the opportunity. Independent polling found that only 4% of New Zealanders wanted more liberal time limits for abortion.



While the world and its leaders focused on responding to COVID-19, our Government used parliamentary time to vote in an extreme abortion law.

For an online version of this pamphlet (including references and additional information), go to **LoveThemBoth.nz**