

Abortion Law Reform: Demand the Best Option

Women in Aotearoa currently have the chance to press meaningfully for the legal right to decide whether or not we want to become parents.



Abortion reform supporters, 2010 Credit: Andrew Gorrie/ Stuff

We have been waiting decades for this chance, and 2019 offers the best hope for real law change that we have seen in a long time – but change cannot be guaranteed without our visible support. And the best option on the table is unlikely to be passed – unless we lobby hard.

Giving hope is the fact we have a Prime Minister who stated during the 2017 election campaign that abortion should not be in the Crimes Act and she would change the law to take it out.

Then, last year, Justice Minister Andrew Little asked the Law Commission to provide advice on how to remove abortion from criminal law and make it a health matter.

In October, the commission released a paper setting out three possible models for treating abortion as a health issue:

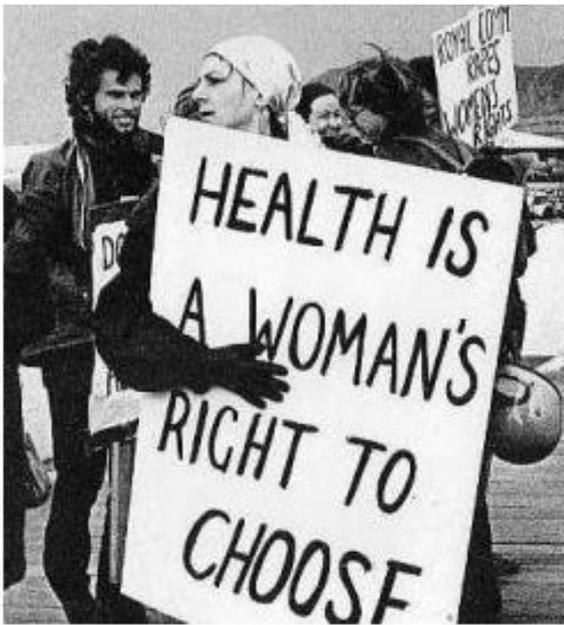
Model A would not require a statutory test before an abortion could be performed. The decision as to whether to have an abortion would be made by a woman in consultation with her health practitioner;

Model B would involve a statutory test. The health practitioner proposing to carry out the abortion would need to be satisfied that it was appropriate in the circumstances, having regard to the woman's physical and mental health and wellbeing;

Model C would not require a statutory test until 22 weeks of pregnancy. After that time, the health practitioner would have to be satisfied that an abortion was appropriate in the circumstances, having regard to the woman's physical and mental health and wellbeing.

Andrew Little favours Model C and says there will have to be consequences for non-compliance, if the threshold test is to have any meaning. Exactly what these consequences might be is not clear at this time, but Little indicated that consequences could mean that people are prosecuted under criminal law.

However, Abortion Law Reform Aotearoa NZ (ALRANZ) supports Option A, and notes that pregnancies carried to 22 weeks are wanted pregnancies: *“abortions that happen late in a pregnancy are overwhelmingly wanted pregnancies undermined by some crisis. The last thing a family in crisis needs is an unnecessary legal process. It is difficult to see what the benefit to society might be in forcing families facing tragedy to undergo a pointless legal process in order to access health care.”*



Wonaac protest at airport 1977. Source: Alranz.org

Little will take a paper to Cabinet this year, which will form the basis of any new legislation. MPs will then vote on a conscience basis as to whether law changes should proceed.

Newshub conducted a straw poll late last year and found that, although many MPs had not yet decided whether to support removing abortion

from the Crimes Act, the vast majority of those who had decided were in favour of change. Fifty-four MPs believed abortion should be removed from the Crimes Act, while six opposed that; 21 did not reply and 40 were undecided or would not say.

A poll commissioned by ALRANZ in 2017 found that a majority of New Zealanders supported abortion being legalised.

Also encouraging is that Ireland in May 2018 voted by a landslide to legalise abortion and, last October, Queensland decided to remove it from the criminal code.

On the other hand, there will undoubtedly be heavy lobbying of MPs by opponents of abortion, who will seek to maintain the same restrictive law that has existed in New Zealand since 1977. This denies women the right to control our own bodies and make our own decisions.

In 2019 it is time to adopt the very un-revolutionary notion that women should be able to control our own bodies and our fertility and decide for ourselves when we wish to become parents – and also be able to access all appropriate healthcare as quickly as possible if we are pregnant and our pregnancy is in crisis, even after 22 weeks.

It is very important for people who support making abortion a health matter to make our views known to the Prime Minister, Minister of Justice, leaders of all the political parties, our local MPs and as many other politicians as possible.

Please email, Facebook, tweet and meet in person with politicians to make your views known to them.

Another chance to change the law will not come for a very long time so it is important that those who seek to deny women the right to choose do not succeed in blocking change.

**Come to our public forum - Abortion: A Reproductive Right
Tues 26 March, 7-9pm, Freemans Bay Community Hall.**