



## Decriminalising Abortion in New Zealand. Asking the hard questions.

The time has come to ask the hard questions about abortion law in New Zealand. Most women in New Zealand have access to high quality and safe abortion services. However abortion is **unlawful**, it can be a crime, unless it is made **lawful** by a set of criteria and procedures set out in law.

There are many reasons why there has been no movement towards abortion law reform in Aotearoa New Zealand. These include: the belief that abortion is easy to access, the continued stigmatisation and silencing of women's abortion experiences, the fact that it is socially and politically contentious and the fear of losing ground. But are we prepared to accept these beliefs and to allow an essential women's health service to be managed as a crime?

Asking the hard questions about decriminalisation means asking whether the time has come to have abortion removed from the Crimes Act 1961 and managed as health matter.

International precedents have been set with the decriminalisation of abortion in several Australian states as well as the recent observations by the United Nations' Committee on the Elimination of All Forms of Discrimination against Women. The Committee has urged the New Zealand government to review abortion law and practice with a view to simplifying it and ensuring women's autonomy to choose. In fact, the Abortion Supervisory Committee, which oversees the law in New Zealand, has intermittently been asking for a review since at least 1988.

## So what does the law look like?

Here are some provisions from the main pieces of legislation that make up the legal framework for abortion:

Statute/Law	What it says about abortion...
<p><b>The Crimes Act 1961 and Amendments</b></p>	<p>Abortion is made <b>lawful</b> (legal) if it meets the requirements set out in section 187A. Grounds for making abortion <b>lawful</b> include serious danger to the life, physical or mental health of the mother, incest or sexual relations with a guardian, mental sub normality of the woman or fetal abnormality.</p> <ul style="list-style-type: none"> <li>- Section 183 The penalty for carrying out an <b>unlawful</b> abortion is up to 14 years imprisonment.</li> <li>- Section 186 The penalty for <b>unlawfully</b> supplying the means of procuring abortion is up to 7 years imprisonment.</li> </ul>
<p><b>The Contraception, Sterilisation and Abortion Act 1977</b></p>	<p>The act sets out the process for ensuring that abortions are lawfully carried out. It sets conditions including who and where abortions can be provided.</p> <ul style="list-style-type: none"> <li>- Section 10-17 Sets up the Abortion Supervisory Committee.</li> <li>- Section 29-36 System of <b>two</b> certifying consultants and certifying procedures.</li> <li>- Section 44 Determines that self abortion is an offence with a penalty of up to \$200 fine.</li> </ul>

## What's wrong with the law as it stands?

Here are just a few reasons why we think we need to start asking the hard questions and coming up with some answers. The way things are at present:

- *Undermines a woman's dignity and autonomy – her right to make the decision about her health and her pregnancy (involving others if she chooses to do so)*
- *Provides a punitive context for addressing a reproductive health and justice issues. Perpetuates stigma - due to the criminal context of management.*
- *Stifles innovation because it is outdated and has not kept up with new technologies and changing roles of health professionals*