

## **Submission of Jessica Ducey to the Abortion Legislation Bill Select Committee**

### **Abortion Bill submission**

29 October 2019

Kia ora kotou. Ko Jess Ducey toku ingoa.

I support the passage of the Abortion Legislation Bill 2019. I would like to commend Parliament for taking action to review Aotearoa's outdated abortion legislation. This is an important opportunity for us to bring our laws into the twenty first century, and finally treat abortion as a health issue instead of a crime.

Eight weeks ago, I became a New Zealand citizen. It was one of the proudest days of my life. Officials gave moving speeches about how my fellow new citizens and I chose to bring our unique histories, cultures, and experiences to the rich tapestry of Aotearoa. I cried several times throughout the ceremony, reflecting on the sense of awe that comes from viewing my love of Aotearoa as a choice that I made, rather than a privilege I was given.

I am here today to talk about language and its power. We tell children that sticks and stones may break their bones, but words can never hurt them. If that were true, we wouldn't need name suppression and libel laws. Words have power - it is up to us to decide how we wield that power.

Roughly 30% of women in New Zealand will have an abortion in their lifetime. In this room right now, that means approximately XX of us.

The current legislation says that we are criminals. The United Nations Human Rights Committee affirms that safe access to abortion is a human right. Part of the reason I chose New Zealand is its long standing commitment to justice and human rights.

While this bill removing abortion from the Crimes Act is an improvement over the status quo, it still erases many of us in its current form. Not all women can get pregnant, and not everyone who can get pregnant is a woman.

A single word or two can be the difference between inclusion and exclusion. Replacing references to 'woman' with 'pregnant person' sends a clear signal to trans and nonbinary people who are already marginalised in our society - who experience higher rates of abuse, violence, and isolation - that we see them, we care about them, and we value their experiences.

If you have never been left out, it may not matter that much to you. But if you have, then you know that small difference has a big impact. Change starts with small actions, and when it is as easy as a word or two, why choose to continue to be hurtful?

This bill is an opportunity to signal our support for trans and nonbinary New Zealanders, and affirm that gender essentialism and genital determinism have no place in our legislation - or our society.

At a fundamental level, this issue asks whether you trust your constituents and fellow citizens.

Doctors, nurses, and other medical practitioners operate under a code of ethics whose principles include prioritising the patient's health and well being, respecting their autonomy and freedom of choice, and practicing with compassion and respect for human dignity. They also have a responsibility towards the health of the general community, including addressing inequities.

The medical profession and its code of ethics are built upon years of research, training, and best practice to ensure that practitioners can uphold their responsibilities to their patients and society.

Every legal restriction or limit or ground is another way of saying to your fellow citizens - be they patients or doctors - that you don't trust them to make decisions based on their experience and expertise. That our autonomy is less important than letting strangers spend a few minutes judging our life and deciding whether we have sufficiently earned our human rights.

Insisting on 'grounds' for abortion creates and reinforces stigma. When we, as a nation, decide that there are 'good' reasons for seeking abortion care, we also imply that other choices - and, by extension, the people who make them - are bad or unacceptable.

Requiring pregnant people to justify their decision encourages others to judge them based on limited information - or encourages patients to lie to avoid that stigma - both of which can lead to isolation and other detrimental mental health effects.

The UN Human Rights Committee recommends that states not introduce new barriers and should remove existing barriers that deny effective access to safe and legal abortion. This starts with removing abortion from the Crimes Act, but it continues by empowering and trusting experts and practitioners to prioritise a pregnant person's health, well-being, and autonomy using their own knowledge and training.

Any ground or limit proposed should be weighed against the needs of the pregnant person and the medical practitioners caring for them. Does a waiting period, mandatory counselling, certifying consultants, or time limits improve their well-being, or does it just add additional time and stress to their lives? Does it duplicate or interfere with systems and policies already developed by medical practitioners?

Deciding whether and when to become a parent is a fundamental human right of every individual - it is not a decision that the state or anyone else can make for them. If the Committee is concerned about the potential mental health risks of seeking abortion care, then I urge you to use your position to advocate for expanded funding for mental health services.

If the Committee is concerned about why patients may consider abortion, then I urge you to focus on the underlying systemic factors that discriminate against women, other marginalised genders, single parents, and people with disabilities. I look forward to supporting future legislation and policies to strengthen social services that enable everyone to thrive in our society.

Thank you for taking the time to consider this important issue. This legislation is an opportunity to reaffirm your commitment to an inclusive, just, and equitable society, and demonstrate that you trust New Zealanders to make informed decisions about their healthcare, free from interference, stigma, and judgement.

Sexual and reproductive rights are human rights, and it's time for New Zealand's legislation to reflect our values. Kia ora.