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## Abortion Is Still a Crime in Aotearoa New Zealand

Abortion regulated as a crime, not a health matter, in New Zealand.

According to the Crimes Act 1961, until the 20th week of pregnancy, abortion is only legal if two specially appointed doctors (called certifying consultants) agree that one of the following is the case: (i) that continuing the pregnancy risks serious danger to the life or physical or mental health of the woman; (ii) that there's a substantial risk the child "would be so physically or mentally abnormal as to be seriously handicapped"; (iii) where the pregnancy is the result of incest or sex with a guardian; (iv) where the pregnant "woman or girl is severely subnormal".

Rape (called "sexual violation" under the law) and extreme ages of the girl or woman may be taken into account, but are not grounds for abortion. After the 20th week of pregnancy abortion is only legal to save the life of the woman, or to prevent serious permanent injury to her physical or mental health.

### I thought it was easy to get an abortion?

Under the current law, the decision to have abortion does not rest with the person who is pregnant. Those seeking abortions must instead jump through a series of hoops, including gaining the approval of two certifying consultants.

The reason many people have relatively good access to abortion is because of the committed and caring abortion providers (including certifying consultants, operating doctors, midwives, nurses and counsellors) and referring doctors (GPs and Family Planning doctors). Sadly, in many parts of the country, access to abortion services is limited and women have to travel long distances in order to obtain an abortion.

### Why change the laws if they seem to be working OK?

Actually, they're not working OK. Regulating abortion access as a criminal matter is not only demeaning and humiliating to those seeking abortions, but it hinders best medical practice by adding to delays in abortion care, and by slowing the uptake of newer methods like early medication abortion (using the abortion pill). The earlier an abortion is carried out, the safer it is.

Criminal law is not a sound basis on which to rest abortion access. Anti-abortionists argue that under a strict reading of the law, most abortions are not even legal (around 98 percent of all abortions in New Zealand are carried out on the grounds of risk to the woman's mental health), and they have challenged how the law is being used in court. Although the anti-abortion group eventually lost that case, several judges along the way agreed with them, showing access is vulnerable.

Requiring the approval of two certifying consultants for each abortion is costly and cumbersome. For the year ending 30 June 2012, the fees paid to certifying consultants alone totalled almost \$4.5 million.

Because some areas don't have enough certifying consultants, there is unequal service across the country, especially for those who may be vulnerable or who live in rural areas.

The law is showing its age in other ways, too. As well as the problems outlined here, the language and focus on being "handicapped" or "subnormal" is not only demeaning to those seeking abortions, but to disabled people.

### A personal health matter, not a criminal one

The current abortion laws in New Zealand are 36 years old, and we need to update them to reflect current social attitudes and practice.

Abortion must be treated as a health issue, rather than a criminal matter.

Women must be able to decide for themselves (with whatever support they consider appropriate) whether or not to have an abortion.