

HOW WOULD THE LAW CHANGE?

CURRENT LAW

PROPOSED LAW

The law change in detail

| Current law | Proposed law |
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| <p>Summary</p> <ul style="list-style-type: none"> There is a 20-week gestational time limit for disability selective abortions. | <p>Summary</p> <ul style="list-style-type: none"> The 20-week gestational time limit for disability sex-selective abortion would be removed. Abortion would be available for disabilities including Down syndrome between 20-weeks and birth. |
| <p>Full details</p> <ul style="list-style-type: none"> Under section 187A of the Crimes Act there is currently a gestational time limit of 20-weeks for abortion for disability. Click here to see relevant provisions highlighted in the Act. | <p>Full details</p> <ul style="list-style-type: none"> Part 12 of the Abortion Legislation Bill removes section 187A of the Crimes Act which provides the current time limit for abortion for disability. <ul style="list-style-type: none"> Click here to see relevant provisions highlighted in the Bill (As reported from the Abortion Legislation Committee). Part one, clause seven of the Abortion Legislation Bill outlines new grounds under which abortions will be available between 20-weeks and birth. <ul style="list-style-type: none"> Click here to see relevant provisions highlighted in the Bill (As reported from the Abortion Legislation Committee). In the handful of jurisdictions that have a similar clause allowing for abortion up-to-birth, this has in practice allowed for abortion for disabilities including Down syndrome. <ul style="list-style-type: none"> For example, in Victoria, Australia, where there is a similar clause allowing for abortion up to birth, there is reliable data collection of abortions that take place between 20-weeks and birth which is reported in the The Consultative Council on Obstetric and Paediatric Mortality and Morbidity Annual Reports. This data shows that there have been 1,685 abortions of babies with a disability between |

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| | <p>20-weeks and birth since the law was changed there in 2008.</p> <ul style="list-style-type: none">○ Infact,the clause in Victoria requires the stricter requirement of two doctors to sign-off on the abortion, whereas the Abortion Legislation Bill would only require that two qualified health professionals to sign-off on the abortion. This could include nurses and midwives.● The Abortion Legislation Committee, which analysed the Abortion Legislation Bill at Select Committe stage themselves made it clear in their final report (page 28) that they opted to keep this post 20-weeks provision in place in the Bill as they had been told by abortion providers that the majority of abortions that would happen between 20-weeks and birth would be for ‘fetal anomalies’ ie babies with disabilities such as Down syndrome.<ul style="list-style-type: none">○ There was no attempt from this Committee to hide their intention to retain this proposed clause in the Abortion Legislation Bill so that it could be used for disability-selective abortions - they stated it bluntly in their report. |
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