



living counter culturally

talk sheet

Abortion

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Is abortion an issue in New Zealand society today?

Abortion is on the decline overall in New Zealand. We have achieved a 20-year low in the number of pregnancies terminated by choice. Nevertheless, more than 13,000 abortions were performed in this country in 2014. And more than a third of those were repeat occurrences where at least one abortion had been performed previously and, in some cases, as many as eight.

Abortion appears to be readily obtained in New Zealand. Despite legislation requiring various checks and balances on decisions that an abortion is permitted, 98–99% of all abortions are granted on the basis of the mother's medical health. Some would say this is virtually 'abortion on demand'.

Abortion is a polarising issue. Political debate on decriminalisation has surfaced repeatedly in New Zealand over the past 40 years, and most recently in 2010 when Labour MP Steve Chadwick proposed to promote a Private Member's Bill decriminalising abortion if sufficient public support was forthcoming. The Member's Bill did not proceed.

Abortion should not be seen as a quick response to an inconvenient or unplanned pregnancy. The many and complex reasons women seek abortion cannot simply be dismissed as selfish, ill-considered or wrong. They reflect many of the challenges that women face globally in all walks of life: including poverty, commonly occurring violence against women and a range of cultural, social or economic factors.

WHAT IS ABORTION?

Abortion is defined as an operation or other procedure to terminate a pregnancy. This definition describes an 'induced or elective abortion'. This should not be confused with spontaneous abortion or miscarriage when a pregnancy ends due to natural causes.

Every year an estimated 210 million women worldwide discover they are pregnant. Of these pregnancies, 80 million will not reach full term. Of these, 42 million are terminated by induced abortion (ie one in five pregnancies), of which 20 million are illegal. Worldwide, 49% of abortions were medically unsafe in 2008, compared to 44% in 1995.¹

Your response matters

The Salvation Army believes life is a gift from God and that we are answerable to God for the taking of life. We, like many other Christian churches, accept the moment of fertilisation as the start of human life and, in most instances would not accept abortion as a justifiable choice.

There are exceptions where The Salvation Army accepts (as noted in our International Positional Statement²), that a termination is appropriate. These are when:

- carrying the pregnancy further seriously threatens the life of the mother; or
- reliable diagnostic procedures have identified a foetal abnormality considered incompatible with survival for more than a very brief post-natal period.

In addition, rape and incest are brutal acts of dominance violating women physically and emotionally. Such situations represent a special case for the consideration of termination, as the violation may be compounded by the continuation of the pregnancy. At the same time, there is no expectation that a woman must choose an abortion if a pregnancy results from such a scenario.

The Salvation Army believes society has a responsibility to care for others, and especially to protect and promote the welfare of vulnerable people—including unborn children. This responsibility also extends to women with an unwanted pregnancy who may consider abortion—they are also vulnerable and need our care and support.

We recognise the need to show grace and mercy when a woman chooses to terminate her pregnancy. But our desire is that communities of support and understanding are available that will enable women to keep their babies to full term and to make informed decisions about the care of their child after birth.

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Abortion for girls under 16 without parental knowledge

Hillary Kieft discovered that her daughter, at the age of 15, was referred for an abortion without her parents' knowledge. Her daughter later tried to kill herself, after reportedly receiving neither follow-up counselling or medical care. Mrs Kieft of Stratford, New Zealand, has appeared before a Parliamentary Select Committee petitioning for a law change that would require parents to be notified before girls under 16 could be referred for an abortion.³



"Our daughter had to make a life decision with a stranger and was expected to keep this as a secret from us. At age fifteen, she is still a child. And the saddest thing is, if we had known, we would have been there."

CASE STUDIES

The Salvation Army has supported women who found value in choosing not to abort when this at first seemed to be the only option. The following personal stories are real, and shared with permission (names have been changed for privacy reasons).



Story One

Kelly came into a Salvation Army centre seeking food parcel assistance. She was struggling to cope with the day-to-day demands of managing on a limited budget. Kelly had a strained relationship with a young man, who was not the father of her children. She became pregnant and was overwhelmed with the prospect of another child to look after with no real support. Abortion seemed the only option and one that was easy to obtain.

Kelly joined a Salvation Army life skills group held for young mums and also came to a weekly home group - a meal and Bible study one night per week. As she began to feel better supported she decided that abortion was just not for her. She went on to have the baby, who was adopted out to a couple with fertility problems. The couple supported Kelly through the pregnancy and with her other children.

Kelly has continued to flourish, and sees her adopted-out baby from time to time.

Story Two

Charlene had twin daughters. When they were three, her relationship with their father broke up. After this, Charlene got into several unhealthy relationships, eventually becoming pregnant to a man with a number of other children to several women who was not contributing to the care of any of them. Charlene saw that his promises to care for her were shallow and hollow and decided that abortion was the only way out.

Some months after aborting the pregnancy, Charlene suffered a severe emotional and mental breakdown. She attempted suicide and was hospitalised for several weeks. This was followed by sessions with a psychiatrist and ongoing counselling from The Salvation Army.

Charlene made good progress and then became pregnant again, this time to a young man who wasn't able to commit to any sort of relationship. Charlene hadn't been to the

Salvation Army centre for some time and felt embarrassed to return. But after much encouragement, she was helped to explore the options for her baby. Charlene desperately wanted this baby (a boy) to grow up with a father. Her daughters had regular visits with their dad and she felt it vital that her son have this as well, yet she knew she couldn't be in relationship with his father.

Charlene came to the decision that adoption was the best way forward. She had her baby, who was placed with a couple in an open adoption. The Salvation Army provided family therapy to help Charlene's girls understand what was happening, and counselling to help Charlene work through the adoption process. Charlene went on to find a stable relationship. She has since married and has another little boy.

The Salvation Army is successful in supporting women to pursue choices other than abortion with positive outcomes for mother and child. Sometimes we provide continued support when people take paths we may not have wished for them. It is not our role to judge, but we can provide real options that assure life and wellbeing for mother and baby.

The Salvation Army position

The Salvation Army strongly supports personal life choices and societal attitudes that promote every pregnancy being a wanted pregnancy.

- The Salvation Army holds to the Christian ideals of chastity before marriage and fidelity within the marriage relationship, and encourages everyone to live consistently with these ideals.
- A serious commitment to the protection and care of the unborn calls us to a commitment to the prevention of unwanted pregnancy through means such as access to reliable birth control, safety in relationships, and societal respect of women.

Biblical and theological principles:⁴

The Salvation Army believes in the sanctity of human life. Humankind was created in the image of God (Genesis 1:27). All people—without exception—are of value to God, holding a special place in God’s creation (Psalm 8:5) irrespective of age, gender, race, religion, health or social status, or their potential for achievement. The Bible makes it clear that human life is sacred: it is God who gives life (Acts 17:25) and God who decides when it ends (Psalm 104:29). In particular, the biblical principle of the right to life of innocent human beings is firmly established (Isaiah 59:7 and Jeremiah 22:3).

God’s concern for humanity includes life in the womb (Psalm 139:13-16; Jeremiah 1:5). This is reflected in Old Testament law, which imposes penalties on those who cause the loss of foetal life (Exodus 21: 22-23). The visit of Mary to Elizabeth (Luke 1:39-45) seems to demonstrate the continuity of life from the foetal stage. Although not specifically mentioning abortion, these texts imply that any decision deliberately to end an unborn life is a violation of its ongoing sanctity and is therefore a serious issue requiring justification to God.

Part of God’s gift to humanity is our free will and the ability to make decisions (Proverbs 1:29; Isaiah 7:15-16). Some people argue that, despite the notion of sanctity of life, the mother has the right to choose whether or not she wishes to continue with a pregnancy and that her right to do so supersedes the right of the unborn child to life. This is not consistent with the Christian belief in a God who cares for and defends the weak and the marginalised (Leviticus 19:14, 33-34) and who is a God of justice (Psalms 140:12; 146:7-9). The notion of human rights must be accompanied by that of human responsibility. In the case of abortion, the Christian’s responsibility to defend those at risk is not to be set aside.

How can we respond?

A number of practical steps can be taken to provide support when an unwanted pregnancy occurs:

- We can provide caring support for the parents’ emotional, physical, social and spiritual needs, so the unborn child may be carried to full term.
- While termination may legally be an available option, we can ensure alternatives are fully explored when supporting both the pregnant woman and those supporting her and her unborn child.

- We can seek to provide support for women who may consider or have had an abortion, giving care and respect in a loving and compassionate manner without discrimination. We can show love, compassion and fellowship to all people affected, recognising that the decision to terminate a pregnancy carries emotional and physical implications for many years, often damaging relationships and personal self-worth.
- We can be mindful of the social conditions, such as poverty or family dysfunction, that may be a factor in deciding to terminate a pregnancy. We can advocate and work to bring about a society that promotes wholeness, freedom, quality of life and the development of the potential of all persons.



FOR DISCUSSION

When considering the topic of abortion, here are some questions to consider:

- 1. Do we understand why women consider terminating their pregnancy, and are we satisfied that they have real alternatives available?**
- 2. What about protecting a woman’s choice to continue a pregnancy? It is ‘easy’ to say that someone should not have an abortion, but are we ready to walk this road with them?**
- 3. What steps are we prepared to take to provide practical and emotional support to women who are faced with this choice?**
- 4. What models of support do you experience or see in action that could help women facing a choice about terminating or continuing their pregnancy—in your extended family, in your Corps, in your community, in Maori or Pasifika culture, or in other settings?**



let's talk about ...

Abortion in New Zealand

How prevalent is abortion?

Abortion is legal in New Zealand only when two certifying consultants agree that continuing the pregnancy would result in serious danger to the woman's mental or physical health or that the baby would have a serious disability. The consultants may also consider the woman's age and whether the pregnancy is the result of rape or incest.

If a decision is made to permit an abortion to proceed, counselling is offered before the woman makes her final decision.

Abortion should not be seen as a quick response to an inconvenient or unplanned pregnancy

The statistics⁵

- A total of 13,137 abortions were performed in New Zealand in the year ended December 2014, down 7% from 14,073 in 2013. This is the lowest number since 1994 (12,835). The highest number of induced abortions recorded in New Zealand was 18,511 in 2003.
- Women aged 20-24 years had the highest abortion rate (25 abortions per 1000 women aged 20-24 years in 2014). This age group accounts for 3 out of 10 abortions in any year. But this has dropped from a peak of 41 abortions per 1000 women aged 20-24 years in 2003.
- There has also been a notable decrease in the abortion rate for women aged 15-19 years—down from 26 per 1000 in 2007 to 12 per 1000 in 2014 (the lowest in 30 years).
- Lower abortion rates indicate that the decrease in the number of abortions was due to fewer women having abortions, rather than to changes in the size or age structure of the population.
- In 2014, 7374 abortions (56%) were to women who had already had one or more previous live births.
- In 63% of cases, the abortion was a woman's first abortion. In 24% of cases, the women reported having had one previous abortion, and 13% reported two or more.
- Of the abortions performed in New Zealand, 98-99% are performed on the grounds of serious danger to the mental health of the woman.⁶

It is encouraging that we are seeing a continued real decline in abortion numbers. It is especially encouraging that numbers have fallen dramatically in the 11 to 14 and 15 to 19 year-old age groups. The Abortion Supervisory Committee's Report 2013 noted that increased education and importance placed on the use of contraception may provide some explanation for the falling abortion numbers.

However, the Committee also noted concern at the ongoing lack of any decline in the number of women having three or more abortions. This group now represents more than one in every eight New Zealand women having an abortion.⁷

Balancing our perspective

There are other statistics to be considered when taking a view on abortion. We cannot deny the reality that children are sometimes born into and raised in situations that can be harmful to them. An estimated 20,000 to 30,000 children in New Zealand are at risk of maltreatment, abuse or neglect,⁸ and 4103 children came under CYF care as at December 2014 as a result of substantiated findings of maltreatment.⁹ Between 220,000 and 250,000 children live in income poverty in New Zealand.¹⁰

When women face the prospect of an unwanted pregnancy that would bring a baby into an environment where adverse life circumstances are present and where practical ongoing support to reduce the risks is not present, it seems naïve to question why abortion is an option that is seriously considered.

International influences

The Universal Declaration of Human Rights (to which New Zealand is a signatory) includes specific rights of the child. These do not include the right to life from conception—the Declaration is only concerned with the rights of a child after birth. On the other hand, the rights accorded to women include control over their own fertility, including arguably the right to have an abortion.

New Zealand is also a signatory to the United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). In July 2012, in its periodic review on New Zealand's compliance with CEDAW, the UN Committee urged our Government to 'review the abortion law and practice with a view to simplifying it and to ensure women's autonomy to choose' and 'to prevent women from having to resort to unsafe abortions and remove punitive provisions imposed on women who undergo an abortion'.¹¹ In its submissions to that Committee in April 2012, the National Council of Women of New Zealand considered that abortion should be decriminalised and regulated like any other health service, and that this would go 'some way towards addressing issues of access and choice for women'.¹² To date, the Government has not responded to these specific abortion recommendations. The next periodic report is due in July 2016.

Seen in a global context, there are strong arguments in favour of protections for women's health and self-determination. But these also need to include protection of the right to bring a pregnancy to full term.

Recent legal history in New Zealand

The grounds on which an induced abortion is permitted are described in the Contraception, Sterilisation, and Abortion Act (1977) and section 187A of the Crimes Act (1961). The 1977 Act doesn't confer any direct legal rights on the unborn child, but does attempt to strike a balance between the rights of the child and the mother. The Abortion Supervisory Committee, appointed by Parliament, is responsible for keeping under review the workings of abortion law.

In 2005, Right to Life New Zealand sued the Abortion Supervisory Committee, alleging it was failing to review whether certifying consultants were complying with the law. Right to Life argued that many abortions were being unlawfully certified as a 'threat to the woman's mental health' when these grounds were not actually met.

Right to Life also sued on two other grounds: that sufficiently independent abortion counselling was not being provided, and that the unborn child had legal rights from conception, including an inalienable right to life.

In April 2008, Justice Forrest Miller ruled in the Wellington High Court against Right to Life on the two latter grounds, meaning an unborn child still has no express right to life under New Zealand law.

He did, however, rule in favour of Right to Life on the first ground, criticising the way abortion laws were being applied in New Zealand and stating there is 'reason to doubt the lawfulness of many abortions'. Justice Miller expressed the view that New Zealand essentially had abortion on request.

The Abortion Supervisory Committee appealed, with Right to Life cross-appealing on the matters the court had ruled against. The Court of Appeal released its decision on 1 June 2011. Right to Life failed in its cross-appeals and the court also reversed the High Court's 2008 decision, criticising Justice Miller's findings about the lawfulness of abortions and his comments about New Zealand having abortion on request.

This was a divided decision, though, with Justice Terence Arnold disagreeing with the views of the other two judges. He agreed that the Abortion Supervisory Committee could not interfere with the decisions made in individual cases, but still considered that such decisions could be reviewed after the fact and reported to Parliament.

Right to Life appealed to the Supreme Court. In a majority decision (three of the five judges), the Supreme Court ruled in August 2012 that the legislation did not permit the Committee, whether before or after a termination, to make any enquiry or investigation into the decision-making in an individual case where that would tend to question a decision actually made in a particular case. The majority were of the view that the Committee could ask consultants how they were approaching their decision-making in general, that is, over the whole of their caseloads, but the Committee could not question them about how they came to a diagnosis or conclusion in a particular case, even a case selected at random and anonymised in the consultant's report. In practice, this decision left the CSA Act intact, tightening the responsibilities of the Committee in some respects and placing consultants under a potentially greater degree of surveillance.

Peter McKenzie, QC, has provided legal representation to Right to Life on this matter since 2004.

'My views are not identical to the views of Right to Life,' says McKenzie. 'I find it difficult to take the view that all abortion is wrong in every circumstance. There are issues in the life of the mother that need to be taken into account; it's a justice matter for the child and also for the mother. There are two lives involved. But it did concern me as a Christian in New Zealand that we resort to abortion far too readily.'

He emphasises that Right to Life was not attempting to outlaw abortion in New Zealand, but says it does believe the Contraception, Sterilisation and Abortion Act (1977) is not being instituted as originally intended. 'Many thousands of lives have been taken that would not have been if the Act had been properly applied,' he says.

McKenzie believes the situation in New Zealand is not far removed from abortion on demand. He is concerned that the country might head down a path of 'unfettered choice' by decriminalising abortion, leaving the decision only with a pregnant woman and her doctor.¹³

Political debate on decriminalising abortion has continued to surface regularly in the past few years. In 2010, Labour MP Steve Chadwick said she was considering introducing a Private Members Bill to do just that, although she indicated she would not proceed unless sure of majority support. In 2014, The Green Party proposed that abortion be available on demand up to 20 weeks' gestation, and up to birth where there is risk to the mother's mental health or a foetal abnormality. These changes would significantly liberalise New Zealand law, and were met with strong opposition by media commentators and others. Given that abortion rates in New Zealand have reduced in the past decade and that more than 98% of abortions are approved on grounds of maternal mental health, there was little support forthcoming to change the law ■

RESOURCES AND FURTHER INFORMATION

- *Abortion Statistics Year ended Dec 2014*, www.stats.govt.nz/browse_for_stats/health/abortion/AbortionStatistics_HOTPYeDec14.aspx
- *Abortion: What You Need to Know*, Family Planning, <http://familyplanning.org.nz>
- Abortion Supervisory Committee report for the year ended Dec 2013, www.parliament.nz/en-nz/pb/presented/papers/50DBHOH_PAP25739_1/abortion-supervisory-committee-report-for-the-year-ended
- Abortion section of the Moral and Social Issues Council (MASIC) area on The Salvation Army's website; The Salvation Army, New Zealand, Fiji and Tonga www.salvationarmy.org.nz/our-community/mission-resources/moral-and-social-issues-council-masic/abortion
- 'Induced abortion: incidence and trends worldwide from 1995-2008', Dr Gilda Sedgh ScD et al; *The Lancet*, Vol 379 No 9816, p625-632, 18 Feb 2012, [www.thelancet.com/journals/lancet/article/PIIS0140-6736\(11\)61786-8/abstract](http://www.thelancet.com/journals/lancet/article/PIIS0140-6736(11)61786-8/abstract)
- The Salvation Army International Positional Statement on Abortion www.salvationarmy.org/isjc/ipsabortion

1 [www.thelancet.com/journals/lancet/article/PIIS0140-6736\(11\)61786-8/abstract](http://www.thelancet.com/journals/lancet/article/PIIS0140-6736(11)61786-8/abstract)

2 See International Positional Statement on Abortion, www.salvationarmy.org/isjc/ipsabortion

3 *Dominion Post*, Section A, p 9, dated 4 September 2015.

4 See International Positional Statement on Abortion.

5 See *Abortion Statistics Year ended Dec 2014*, www.stats.govt.nz/browse_for_stats/health/abortion/AbortionStatistics_HOTPYeDec14.aspx

6 See pamphlet *Abortion: What You Need to Know*, Family Planning, <http://familyplanning.org.nz>

7 Abortion Supervisory Committee Report for the year ended Dec 2013, p 6-see www.parliament.nz/en-nz/pb/presented/papers/50DBHOH_PAP25739_1/abortion-supervisory-committee-report-for-the-year-ended

8 White Paper, www.childrensactionplan.govt.nz/action-plan/white-paper/finding-checking-and-connecting

9 www.cyf.govt.nz/about-us/key-statistics/children-and-young-people-in-out-of-home-placements.html

10 Salvation Army State of the Nation report 2016, p 4 www.salvationarmy.org.nz/movingtargets

11 See p 9, www.ncwnz.org.nz/wp-content/uploads/2013/06/CEDAW-Concluding-Observations.pdf

12 See p 51, www.ncwnz.org.nz/wp-content/uploads/2013/06/Women-Experiencing-Discrimination-2012.pdf

13 *The War Cry* (New Zealand, Fiji and Tonga Territory), p 5, 8 Oct 2011.