

Submitted by:  
Sandra Downing

I am a registered nurse and midwife and at various times during my 30 year career have cared for women during birth and also during abortion. I don't feel like a criminal or that I have assisted with the committing of a crime.

Many of the submissions currently available on-line express concern that repealing the law will result in increased abortion rates and in particular, late term abortion. These responses are clearly founded on a moral stance against abortion and are not evidence based. I would urge the committee to listen to the advice from experts in the field and not be swayed by the emotive responses of anti-choice campaigners.

Current Queensland abortion law is unclear, outdated and is not congruent with 21<sup>st</sup> century practice and community sentiment. Sections 224, 225 and 226 of the Queensland Criminal Code provide for sanction and jail terms for women 'unlawfully' having abortions and doctors 'unlawfully' providing them, however there is no definition of what constitutes a lawful or unlawful abortion. This situation is untenable and I urge you to repeal these laws. **Seeking or providing an abortion should not be a crime.**

In a perfect world all pregnancies would be planned and wanted, every pregnancy would be healthy and no pregnancy would pose a health risk to the woman, however, the world is far from perfect. Ensuring that women and couples have access to a wide range of effective contraceptive methods to choose from and that they receive comprehensive information about how to use their chosen method consistently and correctly is sound public health policy. Nevertheless, unintended pregnancies do occur among women using contraceptive methods who experience method failure or those who become pregnant as a result of rape. In addition, vulnerable and marginalised populations such as adolescents, minority and indigenous communities, people with disabilities and women in violent relationships may encounter significant barriers to contraceptive access.<sup>1</sup>

Women's sexual and reproductive health is related to multiple human rights, including the right to life, the right to be free from torture, the right to health, the right to privacy, the right to education, and the prohibition of discrimination. The United Nations Committee on Economic, Social and Cultural Rights (CESCR) and the Committee on the Elimination of Discrimination against Women (CEDAW) have both clearly indicated that women's right to health includes their sexual and reproductive health. This means that States have obligations to respect, protect and fulfil rights related to women's sexual and reproductive health.

CEDAW (article 16) guarantees women equal rights in deciding "*...freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights.*"<sup>2</sup> The CESCR General Comment details the obligations of States regarding sexual and reproductive health, including: "*An obligation to repeal, eliminate laws, policies and practices that criminalise, obstruct or undermine an individual's or a particular group's access to health facilities, services, goods and information.*"<sup>3</sup> Ideally the number and spacing of children would be managed through access to effective contraception, however it is not a perfect world and there are many reasons why a pregnancy may be unplanned and unwanted. In these cases women must be able to exercise their rights through access to safe abortion services. **Seeking or providing an abortion should not be a crime.**

Central to the 2030 Agenda for Sustainable Development is the combatting of inequalities and discrimination, including the elimination of discriminatory laws, policies and practices, which often lie at the heart of violations against women's sexual and reproductive health and rights. At the Agenda launch in 2015, a group of human rights experts highlighted that "*...the criminalization of or other failure to provide services that only women require, such as abortion and emergency contraception, constitute discrimination based on sex, and is impermissible.*"<sup>4</sup> **Seeking or providing an abortion should not be a crime.**

A wide range of professional organisations whose members work at the coal face supporting women with unplanned pregnancies, advocate for the decriminalisation of abortion and equity of access to abortion services. These include, but are not limited to: the Royal Australian College of Obstetricians and Gynaecologists, the Public Health Association of Australia, Family Planning Alliance Australia, Australian Association of Social Workers, Sexual Health Society of Queensland and numerous clinical and support services.<sup>5</sup> The opinions of these experts should not be ignored and overshadowed by campaigns that focus on individual religious beliefs and concerns around late term abortion.

You are being asked to repeal unclear, outdated abortion laws which are not reflective of current practice and community sentiment in the 21<sup>st</sup> century. This is not a debate on moral stances and is not asking you to determine an acceptable gestation age for abortion. It simply asks you to decriminalise a medical procedure so that women seeking and doctors providing abortion can do so without fear of the law. Clearly there will be a need for medical guidelines/regulations around gestational limit and best practice, but that should be addressed through the Health Act, as is the case with any medical procedure.

### **Seeking or providing an abortion should not be a crime.**

#### **References**

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