



## Abortion Law Reform Law Commission

### The Salvation Army New Zealand Fiji and Tonga with Samoa Territory Submission

#### OUR ARGUMENTS:

1. The Salvation Army's main arguments to the Law Commission in response to this abortion inquiry are as follows:
  - a. We strongly believe that the abortion laws currently operating in our nation should not be liberalised further. The existing legal framework already provides protection for both lives involved in an abortion – the mother and the unborn child. We submit that it is unconscionable to potentially sanction the expansion and liberalisation of abortion in our nation through this Inquiry and any possible amendments to legislation;
  - b. Our nation should keep the current abortion framework found in our law, particularly the Crimes Act 1961. However, we believe that there are technical aspects of this law that can be modernised or updated to account for modern and future times, and to also guarantee the effective running of the current abortion system;
  - c. We submit that abortion is indeed also a health issue. And to include health-related issues and responses to the abortion framework is positive. However, as per Paragraph 1(a) above, we urge the Law Commission to regard abortion as both a criminal *and* a health issue. These two components are not mutually exclusive; particularly as abortion itself involves a medical procedure to terminate pregnancies *within* the legitimate legal protections of the current law.
  - d. We submit that greater investment and resources are needed for services working with vulnerable mothers and their families, and also teenage parents. Of course, as mentioned in Paragraph 1(c) directly above, we do agree that the medical act of abortion itself should also be dealt with under a health system because of the potential mental health and medical ramifications of any abortion. But we contend that greater investment should also be made in health and social services that support and promote (1) safe sex and abstinence in order to reduce the chances of having unplanned pregnancies, and (2) vulnerable mothers to carry their children to full term and seek effective pathways for that child after birth, including adoption, whangai and so on.

#### OUR BELIEFS:

2. The Salvation Army is an international Christian church and social services organisation that has worked in New Zealand for over one hundred and thirty years. The Army provides a wide-range of practical social, community and faith-based services, particularly for those who are suffering, facing injustice or those who have been forgotten and marginalised by mainstream society. We are passionately committed to our communities as we aim to fulfil

our mission of caring for people, transforming lives and reforming society through God in Christ by the Holy Spirit's power.<sup>1</sup>

3. As a global Christian organisation, our international leadership have developed an International Position Statement on Abortion that summarises our core beliefs and guides any public views we have about this very divisive issue. This Statement reads:

*The Salvation Army believes all people are created in the image of God and therefore have unique and intrinsic value. Human life is sacred and all people should be treated with dignity and respect. The Salvation Army accepts the moment of fertilisation as the start of human life. We believe that society has a responsibility to care for others, and especially to protect and promote the welfare of vulnerable people, including unborn children.*

*The Salvation Army believes that life is a gift from God and we are answerable to God for the taking of life. As such, The Salvation Army is concerned about the growing ready acceptance of abortion, which reflects insufficient concern for vulnerable persons including the unborn. We do not believe that genetic abnormalities that are identified in an unborn child who is likely to live longer than a brief period after birth are sufficient to warrant a termination of pregnancy.*

*The Salvation Army recognizes tragic and perplexing circumstances that require difficult decisions regarding a pregnancy. Decisions should be made only after prayerful and thoughtful consideration, acknowledging the tremendous pressures that occur during an unexpected pregnancy. There is a responsibility on all involved to give the parents of the unborn child, particularly the woman, appropriate pastoral, medical and other counsel.*

*The Salvation Army believes that termination can occur only 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 postnatal period.*

*In addition, rape and incest are brutal acts of dominance violating women physically and emotionally. This situation represents a special case for the consideration of termination as the violation may be compounded by the continuation of the pregnancy. The Salvation Army affirms and supports professional people engaged in the care of pregnant women who feel on religious, moral or ethical grounds, that they cannot be involved in any way with the procuring or undertaking of an abortion.<sup>2</sup>*

4. Fundamental to this International Position Statement are the Biblical and theological principles that underpin these views. Although a Christian and Biblical worldview is increasingly uncommon in New Zealand, this is still the worldview of The Salvation Army that shapes all of our social, political, community and spiritual interactions. These principles are also taken from our International Position Statement on Abortion.

---

<sup>1</sup> <http://www.salvationarmy.org.nz/our-community/mission/>

<sup>2</sup> [http://www1.salvationarmy.org/IHQ/www\\_ihq\\_isjc.nsf/vw-sublinks/FE3C992C78838853802577DF0071D796?openDocument](http://www1.salvationarmy.org/IHQ/www_ihq_isjc.nsf/vw-sublinks/FE3C992C78838853802577DF0071D796?openDocument)

- a. **The sanctity of life** - 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 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 the scriptural principle of the right to life of innocent human beings is firmly established (Isaiah 59:7, Jeremiah 22:3).
- b. **The start of human life and personhood** - 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 upon 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.
- c. **Free will** - Part of God’s gift of life to humanity is our free will and the ability to make decisions (Proverbs 1:29; Isaiah 7:15-16). Some people would 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.

#### **BACKGROUND:**

---

- 5. This submission is made by The Salvation Army's Moral and Social Issues Council (MASIC) and Social Policy and Parliamentary Unit (SPPU). MASIC provides a voice for The Salvation Army on significant moral, religious and social issues, and the SPPU works towards the eradication of poverty by encouraging policies and practices that strengthen the social framework of New Zealand. This submission has been approved by Commissioner Andrew Westrupp, Territorial Commander of The Salvation Army’s New Zealand Fiji and Tonga with Samoa Territory.

#### **WIDER CONTEXT:**

---

- 6. Over the last 10 years, The Salvation Army has included abortion rates in our annual State of the Nation reports. Abortion statistics are one of the twenty-two social progress indicators tracked in this report. In the 2018 State of the Nation report, *Kei a tatou*, we noted the encouraging trends that teenage pregnancies have steadily declined over the last decade for both 11-14 and 15-19 year olds. The number of abortions and abortion rate has steadily declined since 2011 as shown in the graph below.<sup>3</sup>

---

<sup>3</sup> <http://www.salvationarmy.org.nz/sites/default/files/uploads/20180214tsastateofthenation2018.pdf>, pg. 23.

**Table 9A: Pregnancies and abortions to 11- to 14-year-olds—2011–2016<sup>19</sup>**

<b>Year ending December</b>	<b>Live births</b>	<b>Abortions</b>	<b>Pregnancy rate per 1000</b>	<b>% of Pregnancies aborted</b>
2011	25	68	0.8	73%
2012	18	51	0.6	74%
2013	20	48	0.6	71%
2014	27	57	0.7	68%
2015	24	32	0.5	57%
2016	15	32	0.4	64%

Additionally, the pregnancy rates have decreased significantly for mothers aged 15 – 19 years old from 2011 – 2016. The proportion of pregnancies aborted for this age group has fallen since 2011 as illustrated below.<sup>4</sup> The Salvation Army has selected the data for these age groups as they are often a vulnerable group of mothers that require effective support about their pregnancies and life outcomes.

**Table 9B: Pregnancies and abortions to 15- to 19-year-olds—2011–2016<sup>20</sup>**

<b>Year ending December</b>	<b>Live births</b>	<b>Abortions</b>	<b>Pregnancy rate per 1000</b>	<b>% of Pregnancies aborted</b>
2011	3981	2822	44.0	42%
2012	3768	2489	40.9	40%
2013	3283	2096	35.3	39%
2014	2895	1758	30.5	38%
2015	2841	1635	29.2	37%
2016	2466	1451	25.3	37%

7. We believe these statistics are very encouraging and potentially show that are some important cultural shifts happening in our nation around younger women, pregnancy and abortion. We must continue to closely track these figures. Yet, it is our opinion that it is incumbent on us as a New Zealand society to look after the most vulnerable and marginalised in our society. In areas like this that involve teenage mothers and possible terminations of pregnancies, supporting the vulnerable in our communities also includes care and attention for both the young mother and the life they are carrying. We agree that women should have the right to choose in regards to their own bodies. But we also strongly contend that the unborn child is indeed a human life from conception and *also* has rights – the right to live and experience life in a truly caring society.

---

<sup>4</sup> Ibid.

## **SPECIFIC COMMENTS TO INQUIRY:**

---

### **8. Criminal law aspects of abortion**

- a. Several media outlets and pro-choice groups have commented about this abortion inquiry by the Law Commission being about *decriminalising* abortion. This is scaremongering. Under the existing law in section 183 of the Crimes Act, any New Zealand woman who has an abortion within the parameters set by this Act is not committing an illegal act and is therefore not considered a criminal. Consequently, if mothers have an abortion in accordance to the protections and process offered by the law, they will not be criminals at all. Section 183(2) of the Act states clearly that woman cannot be convicted for having an abortion.
- b. Therefore, as stated earlier, we believe these arguments and messages obscure a more general attempt, unrelated to the question of criminality, to liberalise our abortion laws and process, potentially up to birth. We question if the Government has the mandate and public support to introduce such crucial legal and policy change on an issue that involves the health, wellbeing and literal survival of *two* human beings – the mother and the unborn child.
- c. If our abortion laws are eventually liberalised, then this raises questions about other aspects of the legal abortion process. What happens to the protection of conscientious objection for healthcare professionals who do not wish to be involved in the abortion process? What about gender specific or disability related abortions if the law is liberalised? How far will any likely abortions be in a pregnancy term? Up to birth? Second or third trimester? And what is the impact of the actual medical abortion process for both mothers and the unborn children from late term abortions?
- d. Again, we emphasise that the current legal framework is adequately protecting and legally recognising the life and rights of both humans involved in an abortion process – the mother and the unborn child. The Salvation Army believes this protection must remain.

### **9. The health aspect**

- a. We have already stated above our belief that abortion is also a health issue. We do not refute this reality. However, we submit that it is a health issue for both the mother and the unborn human life they are carrying. That should not be ignored.
- b. The Law Commission has mentioned the availability of abortion services as an important issue in this debate. We can appreciate the challenges involved here, particularly around travel costs, time and the existing responsibilities of the mother contemplating an abortion. It is also highly likely that there is emotional, mental and even spiritual stress for this mother facing this massive decision. We believe that the current system and process could be improved. But this process is meant to be a safeguard for both lives involved in an abortion. The process can be amended to make it more practical and effective for various mothers. But that does not mean the entire abortion law process needs to be liberalised. We continue to advocate that this current framework does largely protect both the mother and child. We add that greater emphasis is essential during this process to present to the mother

alternative options to abortion. This still allows the mother the right to choose and have care over her own body. However, it also means that often unheard and unconsidered rights of the unborn child are fundamentally part of any holistic health approach for an abortion process.

- c. Finally we contend that ending the life of another human being, in this case an unborn child should not be a priority of our health system. Abortion is the only legal killing of another person in our country. How can this be a health act or procedure? We submit that abortion is a criminal, health *and* justice related issue. Just outcomes must be pursued for all those involved in this process – the mothers, the unborn children, and the healthcare professionals involved in this process. The mothers definitely require support. The healthcare professionals do have systems and a legal charter to abide by which is positive. But how are the rights and opinions of the vulnerable unborn child factored into these health discussions? Justice requires that those most at-risk here, in this case the unborn living child, should be protected and cared for by our society. With conviction, that must be the type of just society we want for New Zealand.

#### **CONCLUSIONS:**

---

10. We thank the Law Commission for the opportunity to submit on this very contentious and divisive issue. The Salvation Army has attempted in this submission to make our arguments and rationale clearly evident to the Commission. In the end, our fundamental belief that there are two lives involved in every case of abortion colours our views of this Inquiry and the potential liberalisation of abortion in our country. We do not support any liberalisation of this law. We have stated that the current system can and does work to protect both lives in an abortion. The current system can be modified and abortion can become more explicitly a health issue. But modification and adjustments to ensure an effective process do **not** mean that we should liberalise this social area any further. It would be unjust to do so.
-