

**PRESENTATION: CHOICE
ON TERMINATION OF
PREGNANCY AMENDMENT**

BILL, 2017

by Cherylyn Dudley MP ACDP

Health Portfolio Committee -

Tuesday 27 March 2018

BACKGROUND

- ▣ 2007 -private members Bill to amend the Constitution of the RSA 1996
- ▣ 2010 - proposed legislation to amend CTOP Act 92 of 1996
- ▣ The ACCDP believes in the sanctity of human life.

CONSTITUTIONALITY

- ▣ This legislation does not seek to challenge the constitution but to improve the existing provisions in the legislation in line with the constitution.

INTENTION OF THE LEGISLATORS

- ▣ It is clear that the intention of the legislators in 1996 was to increase restrictions on termination of pregnancy in line with the development of the baby in the womb, yet overly broad and vague clauses included in the legislation contradict and nullify this intention.

INFORMED CONSENT

- ▣ The amendment aims to ensure greater protection of a women's right to apply her mind to relevant facts and information in order to make an informed choice and aims to ensure through mandatory as opposed to non mandatory counselling that adequate budgets are made available for this purpose.

CONCERNS EXPRESSED IN SUBMISSIONS OPPOSING BILL

- ▣ the cost of ultrasound
- ▣ - An Ultrasound machine costs around R17,000 multiplied by X 4200 clinics equals = R71 million to buy all new (many however already have). With a 15 year lifespan = 5 million per year from total health budget of approx R42 billion per year.
- ▣ ? if a woman sees developing child she will feel pressure not to go ahead with termination.
- ▣ - Research shows few women do change their minds but those that do are grateful.
- ▣ - 200,000 abortions a year in SA - many being repeat abortions - seeing developing child educates women regarding safer sex and future pregnancies.
- ▣ - transparency and access to information ensures informed choice

DISCRIMINATION

- ▣ Discrimination against babies conceived by women in low income families or in challenging social and financial circumstances
- ▣ - adding a social worker's experience & wisdom to that of medical practitioner in the second trimester
- ▣ - 1st draft removed clause re social and economic circumstances - amended in line with concerns expressed in submissions.

LAW IS VAGUE & OVERLY BROAD

- ▣ deletion of reference to 'a risk of injury to the foetus' as valid reason to terminate otherwise viable baby after 20 weeks gestation
- ▣ - vague and excessive response - every birth could be said to pose a risk of injury to the foetus.
- ▣ - babies now recognized as viable at 18 weeks into a pregnancy
- ▣ - unborn babies not only die but suffer excruciating pain during chemical and dismemberment abortion

SCIENCE & DEMOCRACY - PROGRESS SINCE

1996

- ▣ Not only has science progressed but our democracy has too
- ▣ - opportunity for meaningful and respectful interactions across hard and fast positions to improve existing legislation without imposing or trampling on freedoms
- ▣ - opportunity to diffuse contentious issue and bridge growing divide which impacts on freedom of belief on both sides.
- ▣ - Christian and others expressed heartfelt concern that this legislative proposal is a compromise but agree it does offer hope.
- ▣ - defenders of super liberal abortion laws concerned that amendments will undermine women's rights

SCIENCE & DEMOCRACY - PROGRESS

SINCE 1996

- ▣ The amendments aim to provide consideration and protection for both women experiencing a crisis pregnancy and for the child they are carrying.
- ▣ The hope is that a greater appreciation and respect for women and for life will take root in our cultural perspective without violating freedom of choice or freedom of belief.

CONTENTS OF THE BILL

- ▣ amends section 2 of principal Act which allows pregnancy to be terminated from 13th up to and including 20th week of gestation by including consultation with a social worker. It reads: if a medical practitioner and a social worker, after consultation with the pregnant woman, are of the opinion that the continued pregnancy would significantly affect the social or economic circumstances of the woman.

CONTENTS OF THE BILL

- ▣ amends section 2 by deleting section 2(1)(c)(iii) which allows pregnancy may be terminated after 20th week if medical practitioner ...is of the opinion that continued pregnancy would pose risk of injury to foetus.
- ▣ ~ amends section 3 to ensure facilities give pregnant woman access to ultrasound equipment and examinations to accurately determine gestation period and access to counselling.
- ▣ ~ amends section 4 by providing for mandatory counselling

CONTENTS OF THE BILL

- ▣ amendment stipulates information that must be made available to a pregnant woman during counselling to assist her in making an informed choice and in giving a genuinely informed consent.
- ▣
- ▣ clauses also apply to natural guardian, spouse, legal guardian or curator personae if person giving consent on behalf of severely mentally disabled or unconscious pregnant woman.

PARLIAMENTARY PROCEDURE

- ▣ - section 76 since contents of the Bill in substantial measure, deals with 'health services' - a functional area of concurrent national and provincial legislative competence
- ▣ - not necessary to refer this Bill to the National House of Traditional Leaders since it does not contain provisions pertaining to customary law or customs of traditional communities.