

Queensland abortion arrests : defend the right to choose

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Many Queenslanders assume abortion is legal, since 14,000 terminations occur every year in the state.

However, the charges laid against a Cairns couple for procuring an abortion in April, and the recent refusal of some doctors to perform abortions in Queensland for fear of legal repercussions, shed light on the real situation.

Abortion is still on the criminal code in the state under a section legislated in 1899. Under Queensland law, women can face up to seven years' jail for terminating a pregnancy and doctors can face up to 14 years for providing an abortion.

In 1986, a court ruling after a raid on a Brisbane abortion clinic made a broad interpretation of the criminal code. It allowed for legal abortions where the woman's life or mental health were at risk from continuing with the pregnancy.

However, the limits of this judgement have been exposed by the charges laid against the Cairns couple. The 19-year-old woman faces up to seven years' jail for procuring an abortion, while her 21-year-old partner faces up to three years' jail for assisting in procuring an abortion.

The Cairns case has raised fears in the medical community that doctors and their patients may also face penalties. Doctors are now refusing to perform terminations because they fear prosecution.

On October 31, the Australian broke the story of a Brisbane couple who found out 19 weeks into the pregnancy their foetus was fatally afflicted with a number of birth defects. Unable to secure a termination of the pregnancy in Queensland, the couple had to cross the border to New South Wales.

On November 6, the Cairns Post reported a similar story. Local doctors said they would fly a woman to Darwin to have her abnormally developed foetus aborted.

These travesties show how inadequate the minor legal amendments the state ALP government made in September really are. The amendments simply extended current laws allowing surgical abortion to cover medical abortions.

However, both surgical and medical abortions are still on the criminal code, leaving doctors and women exposed to potential criminal charges.

The real victims are women. Instead of having safe, legal access to a relatively simple health procedure, which should be every woman's right, women now face the distress of interstate travel to get an abortion.

In addition to the already high costs for an abortion (up to \$800 in some cases), Queensland women

can face interstate travel costs, extra leave from work, and the stress of re-organising family arrangements. For women living in regional Queensland, where abortion access was already difficult, this adds an even bigger barrier.

In a state where up to 79% of the population would like to see abortion law changed so it is no longer a crime, why has self-described pro-choice Premier Anna Bligh not repealed the laws ?

Bligh has said an attempt to remove abortion from the criminal code could fail in the state parliament and leave women worse off. Yet the ALP — which has a majority in the parliament — has party policy supporting the decriminalisation of abortion.

The only way that such a repeal could fail is if Labor MPs exercised a “conscience vote” — where they imposed their own personal views rather than the party policy they were elected on.

In September, the government demonstrated it could remove the conscience vote on laws regarding abortion when it wanted to. The party instructed its parliamentarians to vote for the September amendments to allow medical terminations on the same limited grounds as applied to surgical terminations.

Opinion polls have consistently shown that the huge majority of Queenslanders and Australians support a woman’s right to choose an abortion. Bligh should demand her MPs act on party policy, and in the interest of women, to repeal the anti-abortion laws.

This legal situation is not unique to Queensland. Of all Australian states and territories it is only the Australian Capital Territory and Victoria that have removed abortion from the criminal code.

The danger of prosecution will remain until abortion is a legal right, instead of a criminal offence. Only then, when abortion is solely a health issue between a woman and her doctor, will the way be open for frank discussion and planning to ensure free, accessible abortion services for all women.

[The Pro Choice Action Collective have organised a rally at 11am on November 21 at Queens Park, Brisbane. For details visit www.prochoiceactionqld.org.]

P.-S.

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