

## SUBMISSION ON THE CHOICE ON TERMINATION OF PREGNANCY AMENDMENT BILL, 2007

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### **Introduction**

The proposed Amendment Bill would help no-one and in fact impacts negatively on the unborn, nurses and on women considering abortion. The interests of each group are discussed below. At the end, some alternative proposals for amendment to the Act to protect healthworkers and mothers are suggested. ChristianView Network is involved in promoting Christian values in society, which includes education on the Sanctity of Life and defence of healthworkers rights.

### **Procedural issues**

The opportunity to comment on the proposed amendment bill was not well advertised, which resulted in many organisations only finding out about it very late. Therefore late submissions should be accepted. There have been many similar problems with consultation in the past, which prejudice the democratic consultation process. The Department of Health is requested to at minimum notify the National Alliance for Life (082 781 7130) of any public consultation to the abortion law.

### **Interests of the unborn**

The amendment bill should be rejected on grounds that it would likely result in the killing of more unborn babies than is currently the case due to the increased number of places offering abortion and people expected to perform them.

### **Interests of God**

Each unborn child is a human being made in the image of God. Therefore, the murder of each unborn child is an attack on the image of God.

### **The interests of health professionals**

### **Remove:**

*Section 3 (3) (a) Any health facility that has a 24-hour maternity service, and which complies with the requirements referred to in subsection (1)(a) to (j), may terminate pregnancies of up to and including 12 weeks without having to obtain the approval of the Member of the Executive Council.*

The deregulation of the requirement for hospitals doing abortions to be designated by the minister, would result many more hospitals being expected to do abortions.

and remove:

*Section 10(1) 'registered nurse'*

### **Reasons:**

This would mean that any nurse, and not only a trained midwife could be asked to perform and abortion.

### **More health professionals pressured to be involved with abortions**

The two changes together would mean that many more health professionals would be pressured to be involved directly or indirectly with abortions. Already, there is a widespread problem with health professionals, especially nurses and students being pressured to assist with abortions. The proposed changes would substantially increase the problem.

A very common violation of health professionals' rights to conscientiously object to assist with abortions occurs when an abortion is initiated by one medical practitioner who then sends the woman home and then another is expected to finish it. For example, with the common 'off label' use of the drug 'Cytotec', the procedure is started and then the woman is sent home. After she has given birth to a dead child, she is told to return to the hospital. By this time there may be no staff on duty who do not have a conscientious objection to abortion. For the woman's own safety, it is often necessary for pro-life staff to then attend to her.

The only way to overcome this constitutional violation of healthworkers rights to freedom of conscience would be to only allow hospitals which have staff willing and available to do abortions 24 hours a day to do those abortions. Otherwise there would always be a risk to pro-life staff. For this to take place, the hospitals doing abortions must be designated after this staff availability has been ensured. Thus it is argued that to allow abortions in undesignated hospitals would be unconstitutional.

### **More risk of error by healthworkers**

Abortion is a high-risk surgical or medical procedure. Nurses are less well trained than doctors or midwives and thus more vulnerable to make mistakes, for which they could then be found guilty of malpractice. This places an unfair burden on them.

Likewise the provision of abortion at facilities not specifically designated by the minister would reduce controls on safety, because there would be fewer backup facilities in case of emergency. This would increase risk of error by healthworkers.

### **The interests of mothers**

Related to the risk of error by healthworkers above is the corresponding risk to mothers considering abortion.

## **Alternative positive amendments to the act**

ChristianView Network calls for the repeal of the 'Choice on Termination of Pregnancy Act' in its entirety, but if the government is not prepared to do this, the following amendments are suggested.

### **Section to support conscientiously objecting healthworkers**

*"Any worker may conscientiously object to direct or indirect involvement with abortions."*

#### **Reasons:**

The initial 1996 proposed Act had a conscientious objection clause. This was removed with the argument that such rights were already guaranteed by the constitution. While this is true, there has been widespread abuse of health professions in spite of this right.

- Firstly, the statement of this right in the Act would strengthen the protection of health workers if this right were explicitly stated in the Act.
- Secondly, there is currently much confusion on the boundaries of conscientious objection. Some argue that it only includes direct involvement such as holding the instruments of the abortionist. Christian health professionals demand also the right of conscientious objection to indirect involvement with abortions, such as filling in forms (clerking) and making the bed of an abortion patient.
- Thirdly, the use of the word 'worker' rather than 'health professional' will ensure the protection also of other hospital staff, such as administrative workers who have a conscientious objection.

*"Any health professional requested to assist with abortions directly or indirectly, must be informed of the nature of the purpose of the work and of their right to conscientiously object"*

#### **Reasons:**

- Many healthworkers have succumbed to pressure to assist with abortions because they thought that it was a requirement of their job to obey such an instruction from their superior.
- Some pro-life health professionals have been tricked into unknowingly assisting with abortions because they were not aware the patient they were treating, for example with anaesthetic was in fact an abortion patient. This constitutes a serious violation of their freedom of conscience.

### **Section to informed consent for mothers**

The following additional section is suggested:

*"A woman seeking abortion must be given the following information;*

- i. The gestational age of her baby;*
- ii. Allowed to listen to her baby's heartbeat through a stethoscope;*
- iii. Photographs of unborn babies at various stages of development;*
- iv. Physical and psychological health risks associated with abortion;*
- v. Contact details of services offering counselling and alternatives to abortion.*

*She must be given at least 24 hours to consider this information before the abortion is performed."*

#### **Reasons:**

The benefit of these additional points would be that the mother would be making more informed choices.

*Overcoming misinformation:* Currently, many South African mothers chose abortion after being either uninformed or misinformed about their unborn baby and the risks of the procedure. This

misinformation comes through the popular media, advertising for abortions and from employees of abortion clinics.

- The mothers are then traumatised for example when they give birth and see that their aborted baby is a real small baby and not just a blob of tissue (See example in Appendix 1 & 2).
- Many suffer emotional depression for years afterwards, but thought there would be no problem.
- Many say that they would not have had an abortion if they had been given accurate information on development and alternatives. Abortion clinic workers often use 'counselling' to try to sell abortion to their patients.

**Avoiding hasty decisions:** Many women have abortions and then spend years afterward regretting that they did so. By giving a 24-hour minimum waiting period to consider the information, a mother can re-think her decision and if she chooses phone a counselling line.

Many states have similar informed consent laws, which have proved successful. They should be supported by people who are both 'pro-life' and 'pro-choice' because they save babies from abortion and improve the choices of mothers. They would also decrease the load on hospitals. Only money-loving abortionists would oppose such requirements.

### Section to protect 'born alive' infants

*"Babies born alive after forcibly terminated pregnancies must be entitled to the same protection and healthcare as all other babies"*

#### **Reason:**

At present babies born alive after attempted abortions are sometimes being abandoned and left to die, unlike other babies who are given good care.

### Section to require parental consent for minors

*"Any mother, under the age of 18 must obtain consent from her parents or legal guardian prior to an abortion being performed"*

#### **Reason:**

A teenager under 18 years old needs the consent of her parents for any other medical operation in the interests of her own safety and well being. It should be no different with abortions.

### Section to criminalise partial-birth abortions

*"Abortion may not be performed on a baby who is halfway through the birth canal."*

#### **Reason:**

The current law does not explicitly outlaw the horrendous procedure of partial-birth abortion, which is effectively half-way to infanticide.

## **Appendix 1: Letter to "You magazine" from misinformed mother**

**From: Letters, You, 9 January 2003**

### **"If only I'd known"**

At 11 am on Friday 7 December I was given an abortion pill at a clinic and told to lie down for an hour or so. At 11.45 I was told I could go home. The sister said I should go via a supermarket and buy sanitary towels and to go to hospital if something went wrong over the weekend. It was made clear if I went there only for the pain I'd be chased away. I started to panic: here I was, 20 weeks pregnant and being sent home with no clear idea of what to expect. I went back to the office confused and unhappy. By the time the office closed my baby was restless and getting ready to be born.

Nobody at home knew about my pregnancy or the abortion. By 8pm Friday night I knew the time was getting closer. I said goodnight to my mother and went to bed. At 1am I was terrified, in pain and feeling extremely guilty. When it got to 10 seconds between contractions I was crying helplessly in my heart. I got up and went to the bathroom.

My water broke with a sudden rush and wet the bathroom floor. Then I could feel my baby coming out. He was born into my hands, a perfect miniature little boy with 10 toes, 10 fingers, even hair - but most of all very much alive and kicking. Crying in silence I cut the umbilical cord, my baby boy's means of living. I held him for 10 minutes, looking at his perfect little face, before the kicking movement and breathing stopped. With every one of those 10 minutes I felt the life draining from me as it did from him.

I wrapped him in a towel, cleaned up the floor, had a bath and went to bed with my baby. I slept dreaming of a crying baby. When I woke up I got dressed, drove to the nearest hospital and left my baby at casualty. Driving home I felt empty and guilty. When I decided on an abortion I didn't expect anything like this ordeal. I thought everything would be over at the hospital. I never thought I'd hold a live little baby, watching it die. My hand is dipped in the blood of my own son.

Nobody explained it to me. I never expected it to be like this: the emptiness, the guilt, the feeling of hating myself. How do I forget? How do I go on? How do I accept that I've killed a beautiful little baby boy? How can I ever forgive myself?

I know I had a choice - unfortunately not a very enlightened one. Proper counseling (in your home language) should be given.

By proper I mean pictures, testimonies and a detailed description of what to expect. My life will never be the same again. It's Sunday night now; two sleepless nights behind me, hundreds to follow, to haunt, to think, to remember...

My choice would have been different had I known exactly what to expect. I'm not saying I'm against abortion. Every situation calls for its own solution. But information is vital to prepare yourself for what you're going to do. Make sure you have all the facts, know all the pros and cons; then decide what you want.

For me it's too late. I don't really know how I'm going to deal with it. But for everyone thinking about abortion: make an educated choice.

## **Appendix 2: Interview with lady deceived by Marie Stopes Randburg counsellor**

The following are extracts from correspondence and answers to written questions by a young lady who had an abortion at Marie Stopes in Randburg.

*"Sign me up, please - I'm extremely against abortion!!! And I know what I'm talking about.... I've been through it! Could we possibly aim to close down the Marie Stopes Clinic in Randburg??? I'll be happy to help.... If I can stop just ONE lady from having an abortion against her will (as I was forced\* to do), then I will know that I've made a huge difference. The answers are as follows:*

**Question: Did they tell you anything about the development of your baby at that age?**

*Answer: <Nothing - absolutely nothing.>*

**Question: Did they tell you anything about other places to go for counselling or help?**

*Answer: <No. They didn't even mention it.>*

**Question: Did they offer ultrasound scan?**

*Answer <They had an ultrasound before the abortion - before waiting for my turn. But they wouldn't show it to me. Just before the abortion they had another scan and my fiancé fought with them to show me the baby as well. I was really angry - I told him that it's MY baby, MY body and MY decision if I wanted to see the scan, and not theirs! I'm glad that he fought with them or I'd never have seen the baby, because they just wouldn't listen to me.>*

**Question: Has the counselling you got later from the pregnancy centre helped you? Do you think you would have made a different decision had Marie Stopes told you there were others prepared to help?**

*Answer: <The counselling had taught me many things, things that Marie Stopes had not even bothered to inform me about. I would DEFINITELY have made a different decision if Marie Stopes hadn't been biased - I really think that they're in it just for the money because they were very harsh and didn't inform me that there was another way, and said that there's no help for people like me, only for those who are single. Well, excuse me, but I wasn't married yet!>*

*I wonder when we will start campaigning for [to close] Marie Stopes in Randburg? And I'll be there - all-out war or not! It is correct that the 'counselling's' accuracy they give us is in doubt. What happens is that the counsellor asks us the reason for the abortion, and then she will uphold that reason. When I asked if there is a way that I can be helped without having to go through the abortion, she said that there's no way - not for people in my position. This is bad - we have a right to accurate, unbiased information!!!*

*Marie Stopes claims to be a non-profit organization and yet I had to pay nearly R800 for the abortion, not to mention the fact that it was done without any anaesthetic whatsoever, except for one painkiller hours before the op.*

*I hope that I save even one child, then I know that I've made a huge difference.*

[\* Word 'forced' refers to undue family pressure on a girl still living at home]

[\*\* Name withheld to protect identity of person interviewed]