12 September 2019

To the Justice Select Committee

Please find attached DPA’s submission on the Abortion Legalisation Bill.

DPA wishes to appear before the Select Committee to speak to our submission.

Disabled Persons Assembly NZ Inc.

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# Introducing Disabled Persons Assembly NZ

The Disabled Persons Assembly NZ (DPA) is a pan-disability disabled person’s organisation that works to realise an equitable society, where all disabled people (of all impairment types and including women, Māori, Pasifika, young people) are able to direct their own lives. DPA works to improve social indicators for disabled people and for disabled people be recognised as valued members of society. DPA and its members work with the wider disability community, other DPOs, government agencies, service providers, international disability organisations, and the public by:

* telling our stories and identifying systemic barriers
* developing and advocating for solutions
* celebrating innovation and good practice

# Abortion Legalisation Bill

The Disabled Persons’ Assembly NZ (DPA) takes a rights-based approach to healthcare. We believe that disabled people must have equitable access to healthcare on the same basis as other New Zealanders, including access to sexual and reproductive health services.

This position is in line with the United Nations Convention on the Rights of Persons with Disabilities (hereafter referred to as the UNCRPD). In particular, we point attention to the following articles:

* Article 17, which states that disabled people have the same rights to respect for their physical and mental integrity on an equal basis with others
* Article 23, which states that disabled people have the right to have children, should they wish
* Article 25, which asserts the right of disabled people to enjoy “the highest attainable standard of health without discrimination on the basis of disability”. This includes access to sexual and reproductive health services.

This position is also in line with the New Zealand Disability Strategy (NZDS). The NZDS asserts that healthcare professionals should treat us with dignity and respect, and that we must have choice and control over the services we receive. We must further have information about services available to us in formats that are accessible to us.

# Issues of Consent and Coercion

DPA have ongoing concerns relating to the discrimination which pregnant disabled people face whilst accessing reproductive health services. In particular, we are aware that large numbers of disabled people are pressured by health professionals to not become pregnant. In the event that a disabled person does become pregnant, they are often pressured by medical professionals to have an abortion. This pressure can be understood as a form of coercion and discrimination on the basis of disability. This discrimination does not align with the rights outlined in the UNCRPD and the New Zealand Human Rights Act.

Regardless of whether abortion is decriminalised in Aotearoa, we would like to see a range of safeguards put in place to ensure pregnant disabled people have the same rights as non-disabled people when accessing reproductive health services. Self-determination is particularly important as a right; self-determination means disabled people making their own informed choices, and having control over their own bodies and their own lives.

In order to mediate this ongoing concern, we would like to see the following safeguard put in place:

* Medical professionals must be prohibited from suggesting abortion as an option to a pregnant person or make any inferences to abortion. The pregnant person must explicitly request information on abortion before it is discussed.

# Access to Information

The right to make informed choices is a key principle for DPA. This right is enshrined in the Health and Disability Code of Rights; in particular Right 6, which is the *Right to be fully informed*, and Right 7, which is the *Right to make an informed choice and give informed consent.* This right is also enshrined in the UNCRPD. In particular, Article 21 states that all appropriate measures must be taken to ensure disabled people can “seek, receive and impart information and ideas on an equal basis with others and through all forms of communication of their choice”.

In order for people to make an informed decision regarding pregnancy and abortion, they must have access to the information and supports they need to make an informed choice. This is particularly important when someone is given a positive prenatal diagnosis of disability.

DPA recommends that all pregnant people, including those with and without disabilities, be given access to the information they need to make an informed decision. This includes:

* Access to interpreters when required, such as sign language interpreters
* Access to information in a range of languages and accessible formats. This includes Easy Read, te reo Māori, the main Pasifika languages, and information which can be read by a screen reader.
* Specialist services and advice centres must be physically accessible, so that disabled people can have access to information, advice and support.

DPA also recommends that all pregnant people have access to Supported Decision Making processes, in line with the UNCRPD. Supported Decision Making means that the pregnant person has a person they choose to walk alongside them. The support person assists the pregnant person to understand the information, choices and consequences of the choices, but does not pressure the person to make a particular decision. We recommend you contact Auckland Disability Law for further information on Supported Decision Making if required.

Lastly, DPA understands that many people make decisions regarding whether to terminate or not in space of insufficient information and misinformation. Many people have little knowledge of disability and what life will be like for a disabled child, as well as for the parent of a disabled child. Because of this, some people may choose to abort based on fear and lack of knowledge. In order to counter this, DPA believes that pregnant people must be given the option to access to access non-biased, independent and accessible services which can provide information and advice on diagnoses and support options.

# DPA’s Recommendations:

1. Medical professionals must be prohibited from suggesting abortion as an option to a pregnant person or make any inferences to abortion. The pregnant person must explicitly request information on abortion before it is discussed.
2. Pregnant people must have access to information on abortion in accessible formats
3. Abortion services and supports must be physically accessible, in order to ensure equitable access
4. Pregnant people must have access to Supported Decision Making processes
5. Pregnant people must be given the option to access non-biased, independent and accessible services which can provide information and advice on diagnoses and support options.

DPA supports the Abortion Legalisation Bill submission from the New Zealand Human Rights Commission