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MEDIA RELEASE

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Leading Human Rights Lawyers Support Bill to Decriminalise Abortion in Qld

“Australian Lawyers for Human Rights (ALHR) supports the decriminalisation of abortion. Access to safe, legal and affordable abortion services is a personal health matter as well as a matter of women’s sexual and reproductive health rights,” said Queensland Co-Convenor, Kate Marchesi. “Women who seek abortions should not be treated as criminals and the majority of the Queensland public recognise that our laws need to change to reflect this.”

Abortion is currently a criminal offence in Queensland, punishable by up to 14 years imprisonment. While abortion providers operate in Queensland, they exist within an ambiguous legal space, and as result, access to services is limited which has the effect of endangering Queensland women and girls. Queensland and New South Wales are the only remaining States that do not provide for legal abortions. These laws are archaic, have not changed since 1899 and are not reflective of community values or of internationally recognised human rights principles.

On 10 May 2016 Cairns MP Rob Pyne will introduce a Bill to Queensland Parliament to decriminalise abortion in Queensland. The Bill repeals sections 224, 225 and 226 of the *Criminal Code 1899* (Qld), which make abortion a criminal offence for the woman and for the practitioner.

Data from the Australia Survey of Social Attitudes found that 81% of Australians believed a woman should have the right to choose whether or not she has an abortion. A 2009 Auspol found that 4 out of 5 Queenslanders were in favour of decriminalising abortion.

ALHR President Benedict Coyne stated, “The United Nations Committee has declared access to safe and legal abortion as a fundamental human right for women and girls. The Committee on the Elimination of Discrimination Against Women has specified that ‘it is discriminatory for a State party to refuse to legally provide for the performance of certain reproductive health services for women.’ International human rights bodies have opposed laws criminalising abortion as discriminatory against women and a barrier to the right to access health care”.

UN treaty jurisprudence has also found that denying women safe access to abortion can violate the right to be free from cruel, inhuman and degrading treatment. The UN Committee has requested that States 'remove punitive measures for women who undergo abortion'. The United Nations Human Rights Committee has stated that the criminalisation of practitioners who provide abortion services also violates women's rights.

Ms Marchesi stated: "One in five women will have an abortion in their lifetime. Of the 14,000 abortions performed in Queensland every year, only 1% take place in a public hospital. Without the provision of safe and legal abortion, vulnerable women and women living in remote and rural areas face significant barriers in accessing health services. These women are effectively being denied their human rights."

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ALHR was established in 1993 and is a national network of Australian solicitors, barristers, academics, judicial officers and law students who practise and promote international human rights law in Australia. ALHR has active and engaged National, State and Territory committees and a secretariat at La Trobe University Law School in Melbourne. Through advocacy, media engagement, education, networking, research and training, ALHR promotes, practices and protects universally accepted standards of human rights throughout Australia and overseas.