

Fact Sheet

Q&A: PRIVACY FOR PREGNANT TEENAGERS

ABORTION
LAW
REFORM
ASSOCIATION
NEW ZEALAND

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Question

Do young girls need to tell their parents that they want to get an abortion?

Answer

No they don't. The decision whether or not to continue a pregnancy or have an abortion is made by the girl herself, and legally the process is the same as for any pregnant woman. Legal and medical best practice processes support the rights of young people. Most parents support the rights of their young people. Young people have the same rights as adults and need support without being forced either to continue or end a pregnancy. Most young people do tell a parent

What does the law say?

Section 38 of the Care of Children Act 2004 specifies that a female child may consent to any medical or surgical procedure for the purpose of an abortion by a person professionally qualified to carry it out; or refuse her consent to have an abortion, and her consent or refusal to consent shall have the same effect as if she were of full age. In other words the decision whether or not to continue the pregnancy or have an abortion is made by the girl.

When the issues were debated in 2004, at the time the Care of Children Bill was introduced, those groups dealing with the welfare of young persons, as well as major medical organisations, opposed mandatory parental involvement. The only groups supporting it had an anti-abortion agenda, and were not concerned about forcing a young girl to continue a pregnancy against her will.

What are the numbers, anyway?

Anti-abortionists are being misleading when, in the context of the parental notification issue, they say teen abortions occur at a rate of 80 per week. This figure, from 2008, includes all women and girls under age 20, but parental notification would only apply to those under 16. In 2009, the most recent year for which figures are available for this age group, 299 abortions were carried out on under 16 year-olds (just under 6 per week).

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Why do pro-choice advocates support the right of girls to not be obliged to tell their parents about their decision to have an abortion?

Pro-choice advocates believe that girls should have the same right to confidentiality and privacy about their medical care as adult women, and it is important that all girls and young women have good information about sexual health, good support systems in schools and the respect to make their own decisions without fear of judgement.

In most families, young girls will confide in their parents, and if that is not possible, they will confide in some other responsible adult. If a young person has not confided in a parent, healthcare providers will encourage parental involvement recognising that sometimes fears of how their parents may react are unrealistic. However in some troubled families young girls may not get the support they need from a parent or guardian. They may even be exposed to violence if parental notification is mandatory. What is required is non-judgmental, caring and responsible counselling in which a young person is encouraged to involve her parents or other responsible adults.

What do anti-abortionists say about the issue?

Anti-abortionists believe that under-16-year-olds are not mature enough to make such a decision by themselves, and that parents or guardians should always be notified if their under 16-year-old daughter is pregnant and considering an abortion. They believe that not allowing parents to prevent their daughter from choosing to have an abortion is a violation of their natural law parental rights. However, anti-abortionists are in reality more interested in stopping all abortions. They know that their arguments appeal to concerned parents. Who would not want the best for their child? Their strategy is to chip away at access to abortion and parental involvement is seen as an easy and winnable target. Note that they are not concerned about forcing a young girl to continue a pregnancy against her will.