

STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

5th July, 2021

Proposition No. P. 2021/60

COMMITTEE *for* HEALTH & SOCIAL CARE

THE ABORTION (GUERNSEY) (AMENDMENT) LAW 2021

SURSIS MOTIVÉ

Proposed by: Deputy C P Meerveld

Seconded by: Deputy L J McKenna

To sursis the Proposition and to direct that:

1. The Committee *for* Health & Social Care shall undertake a review of the Abortion (Guernsey) (Amendment) Law 2021 as currently drafted and following further research into the implications of legal challenges and changes to the law in the British Isles and after broad and inclusive consultation with the wider community to return to the States no later than June 2022 with recommendations for a revised Abortion (Guernsey) (Amendment) Law

EXPLANATORY NOTE

Given the significant changes to the principal law "Abortion (Guernsey) Law, 1997" as contained in the Projet de Loi, this Sursis Motivé seeks greater clarity, particularly concerning Sections 2 and 4 of the Law as proposed.

The changes detailed under Section 4 effectively allow for discretionary abortions (provided they are approved by an authorised person) up to 24 weeks of gestation. The UK is quite exceptional in having this limit, with most countries having a much shorter limit.

Advances in medical care enable around 60% of foetuses born at 24 weeks to survive and develop as children, raising the moral issue of whether elective abortion (by personal choice, not on medical grounds) should be allowed at this late gestation.

Section 2 is of even more significant concern. "Abolishing the offence of a woman procuring her own miscarriage" means that it would no longer be a criminal offence for a woman to abort a perfectly healthy pregnancy at any time up to birth (40 weeks' gestation). Even though causing the death of a child immediately after birth would be considered unlawful.

The Deputies who are laying this Sursis Motivé believe these issues are too significant for assent to be given based on the previous Assembly's decisions. It needs to be brought back to this Assembly for proper consideration before being endorsed to proceed.

The timeline proposed will enable this to be considered, a potentially revised Projet de Loi to be produced, approved, and implemented during this term. Therefore, allowing this Assembly to understand, implement and own any changes agreed to the current abortion law.