



WOMEN'S ELECTORAL LOBBY VIC

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Supplementary Submission addressing the reasons why the amendment giving the Minister for health the responsibility for the drug RU486 needs to be repealed.

Inquiry into Therapeutic Goods Amendment (Repeal of Ministerial responsibility for approval of RU486) Bill 2005

The Senate, Community Affairs Committee
Parliament House, Canberra ACT

WEL Victoria supports the Bill to remove the responsibility for the drug RU486 from the Minister for Health and refer this responsibility to the Therapeutic Goods Administration Board for the following reasons:-

1.) The Minister for Health has many responsibilities relating to a very important portfolio and is too busy to assess the use of the RU486 drug in the many cases which have or will come to him. It would be irresponsible for the Minister to neglect the wider parts of his/her portfolio while looking in detail at every application for the drug use.

If, however, the Minister failed to properly assess each situation, he/she would leave himself/herself open to charges of violation of a woman's human right by the United Nations Human Rights Committee and could be found liable for neglecting a proper and reliable assessment.

(The United Nations Human Rights Committee has criticised lack of action by medical authorities in Peru See Appendix A below on the report in the New York Times of 6 January 2006)

2.) As the present Minister has no medical training it is beyond his ability to assess the drug use on every occasion. If he brings in consultants on every application, the privacy of these applicants must suffer, and there is the likelihood of inconsistency in the decisions made.

Even if a future Minister had medical training, he/she would most likely be out of touch with modern medical thinking and again would need to consult experts in the field.

Delegation of these decisions might well incur liability.

3.) The removal of the responsibility would also relieve the Minister from political pressure brought to bear on his/her assessments by members of the public who should of course be quite unaware of the details of all applicants who are protected by privacy legislation.

4.) Rape victims pose a very difficult situation for any Minister. The legal processes will take many months to bring to a conclusion but the woman will need immediate attention.

In order to avoid future legal action the Minister would have to immediately assess whether rape has occurred and whether the drug RU486 is appropriate without being involved in the legal details. The Minister will have to put all other matters aside while he/she assesses this instead of leaving the problem to the woman's doctor and legal advisors.

5.) The Therapeutic Goods Administration Board consists of medical experts who can properly assess the safety and usefulness of the drug and the competencies of those medical practitioners who apply for its use.

6.) As in all medical procedures, the decision must always lie with the medical practitioner and the patient. There is no place for moral or religious ideas to impact on medical procedures. Moral or religious ideas can be part of a consultation process but must never impinge on the procedure itself.

APPENDIX A.
New York Times
January 6, 2006
Editorial

Abortion Rights in Latin America

For proof that criminalizing abortion doesn't reduce abortion rates and only endangers the lives of women, consider Latin America. In most of the region, abortions are a crime, but the abortion rate is far higher than in Western Europe or the United States. Colombia - where abortion is illegal even if a woman's life is in danger - averages more than one abortion per woman over all of her fertile years. In Peru, the average is nearly two abortions per woman over the course of her reproductive years.

In a region where there is little sex education and social taboos keep unmarried women from seeking contraception, criminalizing abortion has not made it rare, only dangerous. Rich women can go to private doctors. The rest rely on quacks or amateurs or do it themselves. Up to 5,000 women die each year from abortions in Latin America, and hundreds of thousands more are hospitalized.

Abortion is legal on demand in the region only in Cuba, and a few other countries permit it for extreme circumstances, mostly when the mother's life is at risk, the fetus will not live or the pregnancy is the result of rape. Even when pregnancies do qualify for legal abortions, women are often denied them because anti-abortion local medical officials and priests intervene, the requirements are unnecessarily stringent, or women do not want to incur the public shame of reporting rape.

But Latin Americans are beginning to look at abortion as an issue of maternal mortality, not just maternal morality. Where they have been conducted, polls show that Latin Americans support the right to abortion under some circumstances. Decriminalization, at least in part, is being seriously discussed in Colombia, Brazil, Venezuela, Uruguay and Argentina, and perhaps will be on the agenda after the presidential election in July in Mexico.

International pressure is helping. In November, the United Nations Human Rights Committee decided that Peru had violated a woman's rights when a hospital denied an abortion to a 17-year-old carrying a severely malformed fetus, who died shortly after birth. United Nations conferences on women also have forced governments to track and publish their progress on expanding women's rights. This has emboldened women's groups and led to the creation of government offices on women's issues, which have helped the push for abortion rights.

Latin American women, who are increasing their participation in the work force and in politics, have also become more vocal. Their voice would be much louder were it not for the Bush administration's global gag rule, which bans any family planning group that gets American money from speaking about abortions, or even criticizing unsafe illegal abortions. This has silenced such respected and influential groups as Profamilia in Colombia. Anti-abortion lawmakers in Washington can look at Latin America as a place where the global gag rule has worked exactly as they had hoped. All Americans can look at Latin America to see unnecessary deaths and injuries from unsafe abortions.
