

Dear colleagues,

The Irish Congress of Trade Unions is the trade union federation on the island of Ireland representing the interests of nearly 800,000 working people, 200,000 of whom live and work in Northern Ireland.

The issue of free, safe, local and legal abortion and reproductive healthcare has been a Northern Ireland Committee ICTU policy position for many years. The University of Ulster, commissioned by trade unions, produced a pioneering report based on a survey of trade union members, many of whom work in the healthcare system, in both Northern Ireland and the Republic of Ireland which firmly established that abortion is a workplace issue. See [here](#) for the full report

The NIC ICTU has been disturbed by reports of healthcare workers and professionals being subject to intimidating behaviour while going about their work. Speaking earlier this year, Assistant General Secretary Owen Reidy said *'Access to safe and local abortion and reproductive healthcare is now thankfully legal in Northern Ireland. Staff who provide these much needed services and the women who urgently require them must be protected to go about their jobs without fear. The Minister must urgently consider 'buffer zones' around healthcare facilities to allow workers and patients to go unhindered.'*

We believe that this Bill is particularly important in this context. [See full text here](#)

The ICTU wish to place on record it's support for the Safe Access Zones Bill. In doing so, we would point out the following

#### **The current harassment law is not adequate.**

Current legislation on Harassment requires two or more occasions to make the legal threshold. While the behaviour of protesters outside healthcare providers may constitute harassment, different individuals may approach a patient to avoid meeting the legal threshold, this loophole needs to be closed to ensure that patients and healthcare workers are not being harassed.

#### **Free Speech is a qualified right**

Free speech and freedom of assembly are both qualified rights and must be balanced with other rights for example in relation to laws against hate speech and defamation. It is not true to say that this bill would restrict free speech rights, it does not seek to restrict antichoice protests outside of safe access zones and only apply to delineated access zones outside healthcare provision.

We believe that safe access zones are a proportionate response to balance the rights to free speech and assembly and the rights to private life and health.

#### **Proposed offences and Sentence level**

Whilst currently the bill provides for a fine, this may not be a deterrent as organisations may be prepared to pay the fine while continuing with harassment of patients and/or healthcare workers. In order to prevent recidivism we recommend anyone committing an offence under this bill be required to attend training on anti-harassment training, similar to driving offences and speeding awareness training.

#### **Human Rights**

There is a binding duty on the NI Secretary of State to fully implement CEDAW's 2018 recommendation to

the UK Government to “protect women from harassment from anti-abortion protestors by investigating complaints, prosecuting and punishing perpetrators” which is contained in S9 Northern Ireland (Executive Formation etc) Act 2019.

To fail to provide safe access zones may constitute further human rights breaches as this could make lawful abortion prohibited in practice.

### **The impact of clinic protests**

Clinic protests are a barrier to accessing lawful abortion care as they create an intimidating environment where one’s safety is not guaranteed. Additionally the impact of clinic protesters behaviour, language, and materials on the mental health of those accessing lawful abortion services can be very damaging.

While clinic protesters may explain their behaviour as benign, praying or offering counselling it is impossible for someone accessing the clinic to know what the protesters behaviour will be. Their presence is intimidating for both patients and staff.

For potentially vulnerable patients such as minors and those pregnant as a result of the sexual crime there are additional concerns that such protests will cause distress and adverse mental health impacts to people who have already experience trauma.

Protesters will also use words such as ‘murder’ and ‘kill’ this language is particularly distressing for those who are terminating a much wanted pregnancy after receiving a severe or fatal foetal impairment diagnosis. Furthermore, often clinic protests are accompanied by graphic images and these are particularly distressing for people who have experienced a miscarriage.

With kind regards

Clare Moore.



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