



Submission in support of a Safe Access Zone Bill
November 2021

Safe Access Zone Bill

Unite the union welcomes this opportunity to express our support for the proposed Safe Access Zone bill. Current Harassment Law is completely inadequate and fails to ensure the safety and freedoms of those women and persons seeking reproductive medical treatments.

Clinic protests create an intimidating environment where the safety of those seeking to access lawful abortion care is not guaranteed. Clinic protests can have a huge, detrimental impact on the mental health of those who seek to access lawful abortion services – through the behaviour, language, and materials distributed by protesters.

Words such as ‘murder’ and ‘kill’ are often used by protesters. This language is particularly distressing for those who are terminating a much wanted pregnancy after receiving a severe or fatal foetal impairment diagnosis. Graphic images often displayed by protests can be particularly distressing for those who have experienced a miscarriage.

For vulnerable patients such as minors and those pregnant as a result of sexual crime, these protests may exacerbate distress and adverse mental health impacts to those who have already experienced trauma.

In general, the presence of protesters is intimidating for both patients and staff.

Workers have a right to go to their place of work free from intimidation or harassment.

Inadequacy of existing protections

The existing legislation on Harassment requires evidence of two or more incidents to meet the legal threshold. Given the fact that those entering a lawful abortion clinic may encounter different individuals in a protest, this can mean that the threshold for legal action under existing Harassment law is not met.

This results in those needing reproductive medical treatments being left without any recourse to law despite having been subject to the most unacceptable forms of harassment and abuse. The mental health implications for the victims of this loophole in the law are profound and completely unacceptable. They must be closed.

Freedom of speech is a qualified right

Unite upholds the right to free speech; however it is a qualified right and must be balanced with other rights. Defamation and hate speech constitute a limitation to free speech which are both widely recognised.

We are always concerned about any limitations to the right to free assembly as we know that any moves to restrict free assembly often end up being used against workers. That said, the proposed bill would seek only to restrict this right in a strictly delineated access zone based on the right of others to exercise their right to a private life and health.

We note in particular that this bill would not restrict antichoice protests outside of safe access zones. We also note that freedom of assembly is already restricted in Northern Ireland under the parades commission legislation and more generally across the UK in relation to the rights of workers to form picket lines. As such, we would consider the imposition of Safe Access Zones to not constitute any more of a threat than existing legislation to the right of free Assembly.

Proposed offences and Sentence level

We do not consider that the imposition of a fine for a breach of the Safe Access Zone bill constitutes a meaningful deterrent as many anti-choice organisations will have the resources to pay such a fine.

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.

The bill does not make provision for offences relating to photographing and recording patients and healthcare providers from outside. These constitute very invasive breaches of the right to a private life – we would consider that provisions on this should be included as an offence under the Bill, along with any subsequent online harassment.

Human Rights

There is a binding duty on the NI Secretary of State to 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 place a barrier to lawful abortion in practice.

Summary

Unite is supportive of this bill which will end the distress and impact that these protests are causing those who seek to access lawful abortion services. We would

support the inclusion of more robust sentencing – including the obligatory attendance at anti-harassment training. We also call for the expansion of the Bill’s provisions to include photographing, recording and related online harassment.