

# Together *for* Safety.

## Together for Safety

Submission to the Review of the Health  
(Regulation of Termination of Pregnancy) Act 2018.

30<sup>th</sup> March 2022

### ***Together for Safety***

*Campaigning for Safe Access Zone Legislation*

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## **Together for Safety - who we are**

Together for Safety is a national campaign working for legislation that would enforce 100 meter Safe Access Zones around all family planning clinics / maternity hospitals / health care facilities in Ireland who provide or give information on abortion.

### **What are Safe Access Zones?**

Safe Access Zones are fixed areas around health care facilities where anti-choice protesting, intimidating behaviour and/or communication about abortion would be strictly and legally prohibited.

### **Why do we need Safe Access Zones?**

Currently, and including during level five COVID-19 lockdowns, people from different anti-choice organisations and anti-choice individuals have been consistently present and protesting outside of maternity hospitals, family planning clinics and GPs surgeries all over the country.

### **So?**

Everybody has the right to access healthcare, including abortion services, in dignity, privacy and safety. People should have the right to go to work without having to worry about passing pickets or putting up with being observed, harassed or intimidated while doing their job. Additionally, we have received reports from members of the general public, residents near these facilities, businesses near these facilities and service users that they find their presence incredibly distressing.

### **What about the right to protest?**

Together for Safety fundamentally believe in the right to protest. We also believe that everybody should have the right to access healthcare in dignity, privacy and safety. It is important to find a solution that keeps the public safe and free from judgment and harassment while protecting people's right to protest. We believe the answer to this issue is the implementation of Safe Access Zones. We have worked closely with the unions on this proposed solution and they are very happy that the right to protest as part of the balance of rights is fully protected. We have also worked very closely with the Irish Council for Civil Liberties who also fully support the Bill as proportionate, appropriate, and protecting the balance of rights.

## **Why is this important?**

The Review of the Health (Regulation of Termination of Pregnancy) Act 2018 ('The 2018 Act') has commenced. Even though there is a commitment in the current Legislative Programme for 2022 for a 'Safe Access to Termination of Pregnancy Services Bill', government legislation has not yet even been started. This commitment has appeared in every Legislative Schedule since Spring 2020. Even though Minister for Health, Stephen Donnelly committed to producing Heads of Bill by March 2022, at the time of writing the Government has not yet started work on Safe Access Zone legislation.

In Autumn 2021, Together for Safety submitted a Private Members Bill to Seanad Éireann. This is the *Safe Access to Termination of Pregnancy Services Bill 2021*, which passed third stage on 10<sup>th</sup> February, 2022. In the Seanad, this Bill has cross party support from Fianna Fail, Fine Gael, The Labour Party, Sinn Féin, The Civil Engagement Group, an Independent and the Green Party. In the Dail, the Bill also has the support the Social Democrats, People before Profit, and Independent TDs as well as support from members of the Dáil teams of Fianna Fáil, Fine Gael, The Labour Party, Sinn Féin, and the Green Party. There is full cross party support, across both Houses of the Oireachtas, for the immediate implementation of Safe Access Zone legislation.

The absence of Safe Access Zone law continues to be a major gap, adversely impacting on women and pregnant people which must be addressed as a matter of urgency, especially in the context of this Review.

## **Our submission to the Review of the Health (Regulation of Termination of Pregnancy) Act 2018.**

The case to bring forward Safe Access Zone legislation is compelling, necessary and unfulfilled. Restating the case for action on Safe Access Zones is the thrust of Together for Safety's submission to the Review of the Health (Regulation of Termination of Pregnancy) Act 2018. It includes Safe Access Zone legislation, now proceeding through Seanad Éireann (see Appendix 1 for Bill), which balances the competing rights of women and pregnant people to access health care and the right to protest.

In this submission we are calling on the Review body to make clear, strong and unambiguous recommendations when it reports, which uphold women and pregnant people's lawful right to access local health care; to recommend to the Government to make Safe Access Zone legislation with specific provisions a legislative priority, and to set out a timetable for the passage of such a law to be no later than Summer 2022.

## Action to access right to health care

Women and pregnant people have the right<sup>1</sup> to access the full range of health care which includes family planning and abortion care in Ireland. The repeal of the 8th Amendment to Bunreacht na hÉireann by referendum in May 2018, by a very decisive majority of the electorate was given legislative effect in the 2018 Act. This legislation provides the current statutory basis for women and pregnant people to access safe, local and legal abortion care in Ireland.

The 2018 Act is now under review. This Review creates an opportunity for the Government to address the many barriers that remain for women and pregnant people in accessing safe, local and legal abortion care in Ireland and specifically, the introduction of safe access zones around facilities where abortion care is provided. The full extent of these multiple barriers to abortion care are addressed in the excellent submissions by the Abortion Rights Campaign<sup>2</sup>, the NWCi chaired Abortion Working Group<sup>3</sup>, (Together for Safety is a member of the AWG. A full list of all AWG members is here<sup>4</sup>), and TFMR Ireland<sup>5</sup>, all of which we fully support and call on the Review to implement all of their recommendations in full. It is also worth noting that all of these groups also call for the immediate implementation of Safe Access Zone legislation.

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<sup>1</sup>Article 12.1 of the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) (which Ireland ratified in 1985) provides:

'States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning'

<sup>2</sup> Abortion Rights Campaign submission to the Review can be found here: [https://www.abortionrightscampaign.ie/wp-content/uploads/2022/03/ARC\\_Submission-1.pdf](https://www.abortionrightscampaign.ie/wp-content/uploads/2022/03/ARC_Submission-1.pdf)

<sup>3</sup> NWCi chaired Abortion Working Group submission to the Review can be found here: [https://www.nwci.ie/images/uploads/Abortion\\_Working\\_Group\\_joint-submission\\_final\\_March\\_2022.pdf](https://www.nwci.ie/images/uploads/Abortion_Working_Group_joint-submission_final_March_2022.pdf)

<sup>4</sup> The Abortion Working Group is a group of civil society organisations and healthcare providers established in early 2019 and chaired by the National Women's Council of Ireland (NWC). The purpose of the Working Group is to provide a space for information sharing and collective advocacy for groups working to ensure safe access to abortion in Ireland. This is a joint-submission from the following members of the Abortion Working Group: Abortion Access Campaign West, Abortion Rights Campaign; Abortion Support Network; Action for Choice; Alliance for Choice; Amnesty International Ireland; BelongTo; Cairde; Coalition to Repeal the Eighth Amendment; Disabled Women Ireland; Doctors for Choice; Dublin Well Woman Centre; Irish Council for Civil Liberties (ICCL); Inclusion Ireland; Lawyers for Choice; National Collective of Community Based Women's Networks (NCCWN); National Women's Council of Ireland; START Doctors (GP providers of medical abortion in the community); Transgender Equality Network Ireland (TENI); Termination for Medical Reasons; Together for Safety; Union of Students in Ireland (USI); Women's Aid.

<sup>5</sup> TFMR Ireland submission to the Review can be found here: <https://lmcsupport.ie/tfmr-review-report-2022/>

## Legislation for Safe Access Zones required

Together for Safety, which campaigns for the introduction of Safe Access Zones, welcomes the opportunity to make a submission to the Review of the Health (Regulation of Termination of Pregnancy) Act 2018. The aim of our submission is to specifically highlight the urgent need to legislate to address and mitigate the impact of anti-choice protests and activities that are taking place where women and pregnant people's health care, including abortion services, are provided in Ireland, by introducing Safe Access Zones.

There is evidence that the anti-choice protests and activities, as they currently occur, are adversely affecting women and pregnant people's ability to access health care, including abortion care, freely and without interference<sup>6</sup>. Evidence also demonstrates that health care providers are also adversely affected. In this submission we will expand on the impact of anti-choice protests and activities on women and pregnant people as well as on health care providers, including those providing abortion care. Some of the evidence relating to this issue of safe access to abortion care and the impact of protests and activities on health care providers is as yet unpublished. The results of a survey with a questionnaire sent to all locations providing Termination of Pregnancy by the Department of Health on "safe access to termination of pregnancy services" has never been made public despite it being a "Ministerial priority" in October 2019 that the questionnaire be filled in and returned as quickly as possible.

The aim of the anti-choice protests and activities is to disrupt women and pregnant peoples' access to abortion care and those who provide it<sup>7</sup>. A report published in 2019 by the Oireachtas Library and Research Service (OLRS) 'Safe access zones - What other countries do?' shows that anti-abortion protests around health care settings are commonplace in other countries and have similar features to the protests and activities currently happening in Ireland.

The OLRs report outlines the different ways in which other jurisdictions have sought to respond to the anti-choice protests and activities by including a measure "prohibiting a range of behaviours such as harassing, intimidating or obstructing a person from obtaining or performing a termination in a safe access zone"<sup>8</sup>.

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<sup>6</sup> Oireachtas Library & Research Service. (2019) *The Impact of Anti-Abortion Protest on Women Accessing Services - A Rapid Evidence Assessment*. Dublin: OLRs

<sup>7</sup> Grimes, L. (2021) *Too Many Barriers: Experiences of Abortion in Ireland After Repeal*. Dublin: Abortion Rights Campaign

<sup>8</sup> Oireachtas Library & Research Service. (2019) *QLD LRC June 2019 cited in Safe access zones - What other countries do?* Dublin: OLRs

We call for the adoption of a similar response in Ireland and believe that it can be achieved in a way which is proportionate, and which balances the right to safe access with the competing right to protest.

## **Anticipated and realised fears to safe, local access to abortion care and political promises**

Legislation to create Safe Access Zones has already been declared to be necessary and has been committed to by the current Government.

In 2018, in anticipation of anti-choice protests and activities, and the likely impact on women and pregnant people's access to abortion care, the then Government committed to introducing Safe Access Zone legislation. Such legislation would prohibit protests and activities around facilities in which abortion care is provided. According to the then Minister for Health, Simon Harris, 'the rationale for the legislation was to protect both service users and staff from distress and/or harassment when accessing such facilities'<sup>9</sup>. A Bill for this purpose was listed in the Government's legislative programme in 2019.

This promise to act on safe access zones was reaffirmed in the Programme for Government in 2020<sup>10</sup>, with the commitment to 'establish exclusion zones around medical facilities'.

However it is now 2022 and Safe Access Zone legislation has not yet even been started by the government. Women and pregnant people continue to be impeded every single day around the country in accessing health care, which includes abortion care. This constitutes a barrier<sup>11</sup> for women and pregnant people and demands urgent Government action on Safe Access Zones, as was voted for in 2018, and promised in 2019, in 2020, and again in 2021.

According to the Abortion Rights Campaign<sup>12</sup> 14% of people who had an abortion have encountered anti-abortion activity<sup>13</sup>. Protests have been reported to us from around the

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<sup>9</sup> Oireachtas Library & Research Service. (2019) *The Impact of anti-abortion protest on women accessing services - A Rapid Evidence Assessment*. Dublin: OLRs

<sup>10</sup> Department of the Taoiseach (2020) *Programme for Government. Our Shared Future* Dublin: Government of Ireland

<sup>11</sup> Grimes, L. (2021) *Too Many Barriers: Experiences of Abortion in Ireland After Repeal*. Dublin: Abortion Rights Campaign

<sup>12</sup> A grassroots all-volunteer group dedicated to achieving free, safe, legal and local abortion everywhere on the island of Ireland, for everyone who wants or needs it.

<sup>13</sup> Too Many Barriers: Experiences of Abortion in Ireland After Repeal. ARC and Dr Lorraine Grimes. (2021)

country and at the time of writing, there are daily protests being reported outside Limerick Maternity Hospital and Holles Street.

The types of protests reported vary from location to location. They include silent gatherings, repeatedly walking the perimeter of the hospital, attempted counselling, observation, praying and 'prayerful witnessing'; Singing or chanting; in sites in Dublin Billboards with distressing images have been put up in view of the entrances of medical centres; placards with slogans or graphic images; religious images and anti-abortion slogans being printed on clothing; props such as white crosses, white coffins, oversized rosary beads; name calling; distributing leaflets; entering surgeries to complain about the service being provided and shouting at administration staff. It has also been reported that people are being approached outside hospitals with promises of financial support if they do not go ahead with their planned termination<sup>14</sup>.

Anti-choice protests and activities like these occurring across Ireland are similar to anti-choice activity worldwide<sup>15</sup> and are designed to disrupt access to legal abortion care, and they also impact women and pregnant people accessing all kinds of healthcare.

These activities are why Safe Access Zones are in the Programme for Government, and in the party manifestos of two government parties – the Green Party and Fine Gael. They are why Safe Access Zones are called for by the World Health Organisation, the Irish Human Rights and Equality Commission, the Irish Council for Civil Liberties, Amnesty International Ireland, the ECHR, the European Social Charter, the International Covenant on Civil and Political Rights, the UN Convention on the Elimination of All Forms of Harm Against Women, the International Covenant of Economic, Social and Political Rights, and Ireland's obligations under ICESCR to ensure safe access to medical services in privacy and with dignity in General Comment No. 14 of the UN Committee of Economic, Social and Political Rights. The harm caused by these anti-choice activities is universally recognized and steps are being taken around the world to protect people accessing health care from such activities.

On March 16<sup>th</sup> 2022, the parliament of New Zealand passed a Safe Access Zone Bill by an enormous majority (108-12) and on March 24<sup>th</sup> 2022 the Northern Ireland Assembly did the same.

This is a question of the balance of rights, and it is now widely recognized that people's right to access legal health services in dignity, respect, safety and anonymity is not being upheld in places that do not have robust Safe Access Zone legislation. Ireland has fallen

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<sup>14</sup> Peadar Toibin, TD. Reported during a NewsTalk interview on March 16<sup>th</sup>, 2022, at 5.20pm.

<sup>15</sup> Safe Access Zones - what other countries do? Oireachtas Library & Research Service. (2019)

behind and this gap in protection for women and pregnant people needs to be addressed as a matter of urgency.

In 2021 the Northern Ireland Abortion and Contraception Taskforce recommended the creation of exclusion zones outside sexual health clinics and counseling centers<sup>16</sup>. In this submission we are calling on this Review body to make similar clear, strong and unambiguous recommendations when it reports, which uphold women's lawful right to access safe and local health care; to recommend to the Government to make Safe Access Zone legislation with specific provisions a legislative priority, and to set out a timetable for the passage of such a law to be no later than Summer 2022.

### **No Safe Access Zones: the impact of protests on women and pregnant people**

There is evidence to indicate that women and pregnant people generally experience an emotional and entirely negative response to anti-abortion protests and activities<sup>17</sup>. From the four peer-reviewed, empirically researched papers included in the Rapid Evidence Assessment (REA), commissioned by the then Minister for Health Simon Harris and published in 2019, "a range of negative emotions were reported by women in all studies, including anger, guilt and feelings of upset and harassment". One study reported that the greater the difficulty in obtaining the abortion, the greater the upset experienced by women as a result of the protests and activities.

Whilst there is no similar study to draw from in the Irish context as yet, it is reasonable to conclude that women and pregnant people confronted with protesters when exercising their lawful right to abortion care in Ireland are adversely affected by the experience. The report arising from the REA (2019) concluded that "it is reasonable to assume that women accessing abortion services in Ireland would also identify protest-related stress or upset". The report of the REA also went on to comment on the "particular systemic and social factors that may exacerbate protest-related stress arising from the relatively recent legalisation of abortion, the contested history of abortion in Ireland, and the close social networks through which Irish people are connected". The prospect of meeting neighbours or even family or friends protesting outside GP surgeries or hospitals may put women and pregnant people off seeking abortion care locally, close to home.

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<sup>16</sup>Northern Ireland Abortion and Contraception Taskgroup Report.,p.7 (2021)

<sup>17</sup> Oireachtas Library & Research Service. (2019) *The Impact of anti-abortion protest on women accessing services - A Rapid Evidence Assessment*. Dublin: OLRs



One person reported to Together for Safety

***“I struggled with anxiety and felt very intimidated walking past the protesters. I ended up having a panic attack in the waiting room of the clinic and had to ring my boyfriend to come pick me up to get home as I was extremely distressed and couldn’t face walking past them again”***

And a respondent to recently conducted Abortion Rights Campaign (ARC) research said

***“It was shocking. [They were] waving [a] photo of dead babies”***

As abortion care in Ireland is available alongside other and varied health care delivery, we can reasonably assume that women and pregnant people generally, exercising their right to health care, are likely to be negatively impacted by having to pass by protests.

One person reported to Together for Safety

***“I’ve been receiving treatment for cancer, which means I won’t be able to have children. I find passing the protesters really really upsetting as it’s a reminder of my situation”.***

Another said:

***“We finally have access to abortion services in our own country after a long fought battle. The women of Ireland deserve peace. Its 2022 and we’ve had enough”***

The negative impact of protesters on patients, including patients who attend for other reasons including pregnancy loss, has been given as a reason to Together for Safety by health care providers for why they support the introduction of Safe Access Zones.

## **No Safe Access Zones: The impact of protests on providers and access for women**

Anti abortion protests and activities deter doctors from providing abortion services<sup>18</sup>. As far back as December 2018 and anticipating this possibility, it was reported that there would be no public register of GPs providing abortion service due to fears that clinics many be targeted by protesters<sup>19</sup>.

<sup>18</sup>Cozzarelli, C.Major, B, Karrasch, A., Fuegen, K. (2000) *Women’s Experiences of and Reactions to Abortion Picketing. Basic and Applied Social Psychology, 22(4), 265-275.*

<sup>19</sup> Oireachtas Library & Research Service. (2019) *Ward, J. Irish Daily Mail from the Impact of anti-abortion protest on women accessing services - A Rapid Evidence Assessment.* Dublin: OLRs

In the absence of Safe Access Zone legislation, anti-choice protests and activities are playing their part in putting off providers, thus limiting access to abortion care<sup>20</sup>. For those providers that have made their willingness to prescribe abortion pills public, one in six have experienced a “verbal threat or attack” since services were introduced in 2019<sup>21</sup>.

The National Women’s Council reported <sup>22</sup> in their 2021 *Accessing Abortion Report: Meeting the Needs of Everywoman*, that the GPs they interviewed said “the threat of protests is potentially the biggest impediment to a new provider in areas which do not yet have adequate provision as it is in those areas that protests have had a disproportionately significant impact”.

Although legal, there remain significant barriers to accessing safe, timely and local abortion care in Ireland. Currently just 10 out of 19 of Ireland’s maternity hospitals offer full abortion services despite being publicly funded; only 10% of Irish GPs have registered with *myoptions.ie*<sup>23</sup>. There are reports of barriers to access safe and local abortion care in both rural and urban areas.

Successive Governments’ persistent failure to legislate for Safe Access Zones ignores its own anticipated, and now realised, impact on accessibility to abortion care. This risk was identified when the 2018 Act was first introduced. Further, the continued need to address this legislative gap was recognised in a specific commitment in the Programme for Government 2020 to make good on promises made in 2018.

The lack of legislative urgency and progress on Safe Access Zones is a hindrance to providers and therefore a barrier to women and pregnant people’s timely access to safe and local abortion care. Other reported barriers to care cannot be addressed and solved without the implementation of Safe Access Zones and addressing the impediment to service provision brought about by the ongoing protests and anti-choice activities.

## **Time for Action on Safe Access Zones**

Encountering protests impedes and interferes with accessing health care including abortion care in Ireland. Introducing Safe Access Zone law will address and mitigate the

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<sup>20</sup> Kennedy, S, (2021). *Accessing Abortion in Ireland: Meeting the Need of Every Woman*. Dublin: National Women’s Council and Grimes, L (2021) *Too Many Barriers: Experiences of Abortion in Ireland After Repeal*. Dublin: Abortion Rights Campaign

<sup>21</sup> Dempsey, B., Favier, M., Mullally, A., & Higgins, M.F. (2021) *Exploring providers’ experience of stigma following the introduction of more liberal abortion care in the Republic of Ireland. Contraception*

<sup>22</sup> Kennedy, S. (2021) *Accessing Abortion in Ireland: Meeting the Need of Every Woman*. Dublin: National Women’s Council

<sup>23</sup> Kennedy, S (2021) *Accessing Abortion in Ireland: Meeting the Need of Every Woman*. Dublin National Women’s Council

impact that anti-choice protests and activities are having on women and pregnant people, providers and potential providers of abortion care.

There is strong evidence that the status quo is not working. Disclosures to FOI Requests made by Together for Safety<sup>24</sup> reveal that the HSE has considered protests and anti-choice activities a significant disincentive to GPs and hospitals in providing services and had repeatedly liaised with both the Department of Health and the Gardaí to attempt to find solutions since January 2019. Correspondence accessed by Together for Safety shows that only days into the operation of the new Termination of Pregnancy services, the HSE recognized immediately that specific Safe Access Zone legislation would be needed because the current remedies and bye-laws are inadequate.

Together for Safety have been collecting testimonials from Gardaí operating on the ground dealing with protesters and those engaging in anti-choice activities. What has been reported to Together for Safety by members of An Garda Síochána can be summed up by this comment from one member:

***“As things stand there is absolutely nothing we can do except ask them to move on. When they refuse, there’s nothing more we can do”.***

Together for Safety is calling on the Minister for Health to bring forward legislation at the earliest opportunity, to be passed with the Government majority by both Houses of the Oireachtas, and signed into law by Summer 2022 at the latest. We call on the Minister for Health to provide An Garda Síochána with the legislative tools to protect vulnerable people as they access health care.

The Safe Access to Termination of Pregnancy Services Bill 2021<sup>25</sup> (see appendix 1) is a draft Bill put forward by Together for Safety. There is cross party and independent support for the Safe Access to Termination of Pregnancy Services Bill 2021 and it passed the third stage in Seanad Eireann on February 10th, 2022.

The Bill’s purpose is “to protect the free and unencumbered access to facilities providing legal termination of pregnancy services; protect individuals providing or facilitating legal termination of pregnancy services from harassment”.

The draft legislation includes the following key provisions:

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<sup>24</sup> All FOI requests and responses available from Together for Safety on request

<sup>25</sup> Safe Access to Termination of Pregnancy Services Bill 2021.

- That a safe access zone is established with a radius of 100 metres around a designated premises and any access point to a building that houses a designated premises;
- Defines activities that would be restricted in a safe access zone as: (a) to express or demonstrate support for or opposition to a person’s decision to access, provide or facilitate the provision of termination of pregnancy services or contraceptive services; or (b) to seek to influence a person’s decision to access, provide or facilitate the provision; or (c) to engage in acts that a reasonable person would realise be likely to achieve (a) or (b).
- To express or demonstrate includes, without limitations (a) observing, persistently, continuously or repeatedly, a designated premises or any person entering or exiting a designated premises; or (b) occupying, persistently, continuously or repeatedly, any areal or (c) interfering with, impeding or threatening any person; or (d) intimidating any person; or (e) harassing any person; or advising, persuading or informing, or attempting to advise, persuade or inform any person concerning issues related to termination of pregnancy services or contraceptive services by any means, including and without limitation, graphic, physical, verbal or written means, prayer or counselling; or (9) sketching, photographing, recording, storing, broadcasting, or transmitting images, audio, the likeness of personal data of any person without their express content; or (h) placing or causing the placement of any material concerning issues related to the termination of pregnancy or contraceptive services, in any form, including, without limitation, posters, stickers, and broadcasting equipment.
- A person guilty of a breach under the law “shall be guilty of an offense and shall be liable on summary conviction to a fine not exceeding €3,000 or imprisonment for a term not exceeding 6 months or both.

### **Support for Safe Access Zones**

Alongside the cross party political support outlined earlier, the immediate introduction of Safe Access Zone legislation is also supported by a range of civil society organisations including Irish Council for Civil Liberties (ICCL), Amnesty International Ireland, the National Women’s Council, Abortion Rights Campaign, NWCI, DWI, TFMR, Safe Ireland, Doctors for Choice, Lawyers for Choice, Rape Crisis Network Ireland, and the IFPA among many others (see Appendix 2 for full list of political and civil society supporters).

The Oireachtas parliamentary Women's Caucus is supportive of the introduction of Safe Access Zone legislation and in July 2021 Limerick City and County Council passed a motion in favour of legislation to create Safe Access Zones around health care centres and has written to the Minister for Health on the urgent need for Safe Access Zone legislation. Multiple councillors who were on the record for voting 'No' in the referendum to repeal the 8th amendment to the constitution in 2018, backed the motion in 2021.

A 2020 poll in The Journal indicated significant public support for a Safe Action Zone law<sup>26</sup>. In March 2022, the National Women's Council of Ireland published new polling data that they had commissioned which found that 85% of people polled supported the immediate implementation of Safe Access Zones around health care centers<sup>27</sup>. It is unequivocally clear that there is broad popular support for the immediate implementation of Safe Access Zone legislation, even among those who voted 'No' in 2018.

The Irish Council for Civil Liberties (ICCL)<sup>28</sup> is supportive of Together for Safety's proposal as necessary and proportionate, and which balances the competing right to protest. ICCL states:

***"The Irish Government has a duty to protect women and pregnant people from unwanted harassment, intimidation and distress when accessing abortion services and it has a similar duty to those provisioning such services. It must take steps to prevent such activities and to protect the fundamental right of safe access to private medical care, ICCL recommend that, in line with previous commitments, the Minister for Health should introduce legislation providing for safe zones around abortion providers in Ireland" (ICCL, 2020).***

There is precedent for having Safe Access Zones, as they are currently in operation around polling stations on Election Day. More specifically and relating to accessing abortion care, there is international precedent and context for the introduction of Safe Access Zones from other jurisdictions. Such zones are a feature of abortion service provision in several countries, such as Canada, Australia and the US. A range of safe access zone measures in other jurisdictions are well set out in 'Safe access zones - What do other countries do? - a report published by Oireachtas Library & Research Service in 2019<sup>29</sup>. The Guttmacher Institute provides<sup>30</sup> an overview of the measures in place in US States.

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<sup>26</sup> Ryan, O. (2020, January 8) TheJournal.ie

<sup>27</sup> NWCI. 2022. Press Release on NWCI submission to the Review. March 15<sup>th</sup>. 2022. Research conducted by Opinions Market Research.

<sup>28</sup> ICCL (2020) *A rights Based Analysis of Safe Access Zones*. Dublin: Irish Council for Civil Liberties

<sup>29</sup> Oireachtas Library & Research Service. (2019) *Safe Access Zones - what other countries do?* Dublin: OLRIS

<sup>30</sup> www.guttmacher.org.

In France in March 2017, Article L2212-1 of the Code of Public Health was amended to provide that a judge can impose a sentence of two years imprisonment and a fine of up to €30,000 against a person who contravenes the law as defined.

The Isle of Man enacted the Abortion Reform Act 2019. Part 3 of that Act provides for access zones for abortion services.

In England Public Spaces Protection Orders (PSPOs) can be put in place by local authorities. PSPOs have been put in place to protect women attending the Marie Stopes clinic in the London Borough of Ealing, and the BPAS clinic in the London Borough of Richmond, from harassment by anti-abortion protesters. Ealing made a PSPO in April 2018 and was renewed in April 2021 for a further 3 years. The introduction of other such zones is now in the pipeline for multiple other local authorities. The introduction of 'buffer zones' is supported by the Royal College of Obstetricians and Gynecologists in the UK.

It is worth noting that the Together for Safety legal team that drafted the Safe Access Zone Bill that is currently going through Seanad Eireann includes advisors involved in the introduction of Safe Zones in the UK, and the subsequent judgment by the Court of Appeal that the introduction of a Safe Zone was consistent with the UK's obligations under Articles 8, 9, 10 and 11 ECHR, on the right to privacy, freedom of religion, expression and assembly, respectively.

## **Time to act**

There is a clear case for the Minister of Health to introduce Safe Access Zone legislation without any further delays. This would not only make good on a long overdue political promise, but it would remove a significant barrier to accessing safe, local and timely access to abortion care in Ireland. The operation of the legislation bringing abortion care into Ireland is currently being examined under the terms of reference for this review, it is clear that the lack of Safe Access Zones is hampering the operation of the legislation.

There is compelling evidence of the negative and distressing impact of unregulated and unimpeded protests and activities on women and pregnant people, and on providers' willingness to provide abortion care.

The status quo in terms of the current public order legislation is inadequate and this is acknowledged. Disclosures to FOI<sup>31</sup> requests from Together for Safety reveal that the

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<sup>31</sup> All FOI requests from Together for Safety on Safe Access Zone legislation to Department for Health, HSE, Gardai and others, and any responses are available on request

HSE has considered protests and activities a significant disincentive to GP's in becoming providers. Whilst women and pregnant are impeded by anti-choice protesters in accessing their rightful, lawful health care including abortion care, there are no legal and proportionate limits on the protesters.

Successive governments have recognised the impact of anti-choice protests and activities on women, pregnant people, and on providers and have made commitments to legislate for Safe Access Zones. There is wide support for the introduction of such legislation. There is also precedent for both the need to legislate, and for specific measures which have been introduced in other jurisdictions. And there is enormous cross party and civil society support for the implementation of this legislation.

**Just one women or pregnant person affected by protesters in accessing their rightful health care, including abortion care, is one too many.**

In the words of the then Minister for Health, Simon Harris, in 2019, Safe Access Zones are needed “to protect both service users and staff from distress and/or harassment’ when accessing health care facilities”. This is still the case in 2022.

Together for Safety is calling on those responsible for the Review of Health (Regulation of Termination of Pregnancy) Act 2018, to make a clear and unambiguous recommendation to the Minister for Health to bring forward robust Safe Access Zone legislation as a matter of urgency, with a view to it being passed by the Oireachtas and signed into law by Summer 2022 at the latest.

## Appendix 1 Safe Access to Termination of Pregnancy Services Bill 2021

Bill can be found here:

[https://data.oireachtas.ie/ie/oireachtas/bill/2021/130/eng/ver\\_a/b130a21s.pdf](https://data.oireachtas.ie/ie/oireachtas/bill/2021/130/eng/ver_a/b130a21s.pdf)

Bill sent as a separate attachment.

Together  
for  
Safety.



## **Appendix 2 Safe Access Zone legislation supporters**

### **Supporters – Launch of Bill 12<sup>th</sup> October 2021**

Together for Safety are supported by the below individuals, organisations and political representatives.

#### **TDs**

Holly Cairns SD

Ivana Bacik LP

Neasa Hourigan GP

Patrick Costello GP

Thomas Pringle IND

Paul Murphy PBP/RISE

#### **Senators**

Lynn Boylan SF

Fintan Warfield SF

Niall Ó Donnghaile SF

Paul Gavan SF

David Norris IND

Lynn Ruane IND / CEG

Alice Mary Higgins IND / CEG

Eileen Flynn IND / CEG

Frances Black IND / CEG

Erin McGreehan FF

Annie Hoey LAB

Marie Sherlock LAB

Mark Wall LAB

Rebecca Moynihan LAB

Pauline O'Reilly GP

### **Organisations and Individuals**

Abortion Rights Campaign

Ailbhe Smyth

Alliance for Choice

Amnesty Ireland

Clare ARC

Clare Women's Network

Disabled Women Ireland

Donegal ARC

Dr Jennifer Kavanagh

Dr Mary Favier of Doctors for Choice

Dublin Well Woman Centre

Irish Council for Civil Liberties

Kerry for Choice

Leitrim ARC

Limerick Feminist Network

Limerick Women's Network

National Women's Council of Ireland

Northside Family Resource Centre

Offaly ARC

Rape Crisis Midwest

Rebels for Choice

Safe Ireland

Sligo Asking for Angela

Termination for Medical Reasons

Tipperary for Choice

West Cork Rebels for Choice

