

AWAVA

Australian Women Against Violence Alliance

SAFE ACCESS ZONES IN AUSTRALIA

Summary Paper

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Access to reproductive healthcare is crucial for women and people¹ who are pregnant in upholding their reproductive rights and bodily autonomy. Reproductive healthcare falls within the scope of the right to the highest attainable standard of health. Safe abortions are about timely access to services that are trained and equipped accordingly. It is about the choices that are empowering, safe and made without violence, discrimination or coercion.

Sometimes people who are accessing sexual and reproductive health clinics have been subjected to sexual and gender-based violence, and some are pregnant as a result of it. Sadly, at the time when they need to be supported the most, they are targeted by picketers. Apart from violations of rights to healthcare and privacy, such experiences cause great harm and distress and contribute to already ongoing experiences of violence.

In Australia thousands of people experience intimidation and harassment each year when trying to access sexual and reproductive health clinics. In Marie Stopes Australia's Midland Clinic alone, 2300 women and pregnant people have their healthcare experience affected by picketers each year. In addition, picketers not only target people accessing care, they also target support persons and health workers, a large number of whom are women.

Sexual and reproductive health choices are a protective factor for people in or at risk of abusive relationships. The presence of picketers around clinics is harmful. Their use of intimidation and harassment, threats, restriction of access to the building or yelling are tactics of violence. This behaviour not only reinforces existing traumas but contributes to new traumatic experiences. In so many cases, picketers chose to inflict violence on people seeking abortion, their support persons as well as clinics' staff. Such behaviours are unacceptable and inexcusable. They undermine the progress achieved in responses to all forms of sexual and gender-based violence. They are hindering access to healthcare and erode women's reproductive rights. Anti-abortion pickets constitute gender-based violence.²

Safe access zones surrounding clinics maximise safety for both people accessing sexual and reproductive healthcare and staff working there. Safe access zones exist to ensure the right to privacy and freedom of choices for women and pregnant people. They also ensure the right to equality of access to reproductive health services by removing any barriers "access imposed by protesters through physical obstruction, dissemination of misinformation and the creation of fear and distress."³

Safe access zones exist in every jurisdiction other than South Australia and Western Australia. Across different jurisdictions they vary in who decides where the zones are, where the zone is, including size of the zone, what can and cannot occur within that zone or when it comes into effect-hours and days of the week. We are outlining these differences in the table below. See the Marie Stopes Australia paper on Safe Access Zones in Australia for the full analysis.

1 AWAVA recognises the rights of trans, gender diverse and non-binary people to safely access sexual and reproductive healthcare.

2 Special Rapporteur on Violence Against Women, 'Preliminary Report Submitted by the SR-VAW, Ms. Radhika Coomaraswamy, in Accordance with Commission on Human Rights Resolution 1999/44, Addendum, Policies and Practices that Impact Women's Reproductive Rights and Contribute to, Cause or Constitute Violence against Women' (UN Doc E/CN.4/1999/68/Add.4, 21 January 1999).

3 Penovic, T., Sifris, R. (2018) Expanding the feminisation dimension of international law: targeted anti-abortion protest as violence against women. *Cambridge International Law Journal*, Vol. 7/2, pp. 241-267.

Jurisdiction	Creation	Size	Measured from	Hours of effect	Prohibited behaviours
QLD	Automatic	150m unless otherwise prescribed by Minister	Entrance to premises	Implied: when patients/staff are present	Conduct relating to termination that would be visible/audible to a person at premises and likely to deter a person from entering or leaving the premises, undergoing a termination, or performing a termination. Making an audio or visual recording of a person that identifies them (without consent), or distributing or publishing this kind of recording.
NSW	Automatic	150m	(i) any part of the premises of clinic, or (ii) a pedestrian access point to a building that houses a clinic.	Implied: when patients/staff are present	Intimidating, besetting, threatening, hindering, obstructing or impeding a person accessing facility. Obstructing or blocking footpath or road leading to facility. Communication relating to abortion able to be seen or heard by a person accessing facility that is likely to cause distress or anxiety. Capturing visual data of a person, or publishing or distributing a recording of a person that is likely to identify them
ACT	Ministerial declaration	>50m	'The approved medical facility'	7am-6pm on days of operation	Harassment, hindering, intimidation, interference with, threatening, obstruction, capturing visual data, or any act that can be seen or heard by a person, designed to stop a person from entering the facility or having or providing an abortion. Protest relating to abortion.
VIC	Automatic	150m	'premises' defined as perimeter of the land where the premises is situated	Implied: when patients/staff are present (except blocking road)	Besetting, harassing, intimidating, interfering with, threatening, hindering, obstructing or impeding by any means a person accessing facility. Communication relating to abortion, able to be seen or heard by a person accessing facility, which is likely to cause distress or anxiety. Interfering with or impeding a footpath, road or vehicle in relation to premises of facility. Recording a person accessing facility
TAS	Automatic	150m	'premises'	Implied: when patients/staff are present	Besetting, harassing, intimidating, interfering with, threatening, hindering, obstructing, impeding or recording a person. Protest relating to terminations able to be seen or heard by a person accessing facility. Footpath interference.
NT	Automatic	150m	Boundary or premises	Implied: when patients/staff are present	Harassing, hindering, intimidating, interfering with, threatening or obstructing a person, recording the person, or any act that could be seen/heard by a person in the vicinity that may deter the person from entering or leaving premises or performing or receiving an abortion. Publishing recording of another person in safe access zone

Australia has made a commitment under Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) to implement safe access zone across all states and territories. It is essential that this commitment is followed through.

We are expecting Safe Access Zone legislation to be tabled in South Australia and Western Australia in late 2020. AWAVA supports reforms that:

- Maximise safety for people accessing sexual and reproductive healthcare and health workers providing care;
- At least 150 metres in size;
- 24/7 implementation;
- Defines premises around which safe access zones to be established, including public hospitals and clinics; and
- That ensures commitments to CEDAW are met by the next Universal Periodic Review (Jan 2021)

At the Australian Women Against Violence Alliance we strongly believe that access to health care is a human right. It is about bodily autonomy and choice. In situations of violence, access to sexual and reproductive healthcare is about long term recovery and living lives free from violence. For women currently experiencing violence, clinics need to be safe, calm and accessible environments free from judgement and harassment. Clinicians working in those clinics also need to screen for and prevent reproductive coercion, and to undertake safety planning if required.

It is now time that safe access zones are universally implemented across Australia.