



Auckland Women's Health Council

Submission on the Contraception, Sterilisation, and Abortion (Safe Areas) Amendment Bill

Background

The Auckland Women's Health Council is a voluntary organisation of individual women and women's groups who have an interest in and commitment to women's health issues. The organisation was formed in 1988 to provide a voice on women's health issues in the Auckland region.

The Council has a special interest in patient rights, informed consent and decision-making in health care, health consumer advocacy, the Code of Health and Disability Services Consumers' Rights, the National Cervical Screening Programme, and ethics. Our vision is that all women in Auckland have agency over their physical, mental, emotional and spiritual well-being and are fully informed of health services available and have access to them, and while we specifically serve and support Auckland women, we believe in this vision for all women in Aotearoa New Zealand.

Our philosophy is that:

- women users of health services have the right to make informed decisions regarding their own health care and treatment;
- women have the right to the information necessary to enable them to make informed decisions;
- health care must be accessible, affordable and available as well as culturally appropriate and acceptable to women;
- consumer participation on all decision-making processes for health care services is essential.

The Auckland Women's Health Council advocates for and supports freely available access to, and information about, contraception, sterilisation and abortion services, and this is mentioned specifically in our constitution. We made a written submission to the Law Commission on abortion law reform in 2018, and in 2019 made both written and oral submissions to the Abortion Legislation Select Committee on the proposed changes to the legislation that governs abortion in Aotearoa New Zealand.

Comments on the Contraception, Sterilisation, and Abortion (Safe Areas) Amendment Bill

The AWHC was very disappointed when the clause allowing for safe zones around facilities providing abortion services was removed from the Abortion Legislation Act 2020.

We strongly believe that those accessing abortion services must be free from intimidation. Terminating a pregnancy may involve considerable emotional distress, and harassment and intimidation when accessing abortion services adds unnecessary distress and judgement to the situation.

No other health services attract the same overt judgement and objection as abortion services. As abortion services are health care, they should be afforded the same common decency and privacy as other health care services afford. It would be viewed as intolerable if people had the right to intimidate and harass, or protest against, people seeking other forms of health care and services; for example, men having vasectomies or women having tubal ligations for contraceptive purposes. Would it be acceptable for environmentalists who believe that the planet is already over-populated, to protest against or harass people attending maternity services or a birthing unit for a third, fourth, fifth child on the basis of freedom of expression?

When making submissions on the Abortion Legislation Act we argued that “To ensure privacy is given to people accessing abortion services we suggest the safe space be extended from 150 metres to 500 metres and for this to be a mandatory requirement around all abortion service facilities.”

We also asked that the legislation also include in the “safe zone” provisions the partners and supporters of those seeking abortion services who may be accompanying them.

We still believe these provisions are necessary to ensure that pregnant people wishing to legally terminate their pregnancy can do so without suffering intimidation or harassment from people who may not agree with their decision.

We believe the proposed Contraception, Sterilisation, and Abortion (Safe Areas) Amendment Bill does not go far enough to protect people seeking abortion services.

Safe areas should be applied automatically to all facilities that provide abortion services. There appears to be no rationale for this provision to be made on a case-by-case basis. Clause 13C (1) states:

“The Governor-General may, by Order in Council made on the recommendation of the Minister of Health after consultation with the Minister of Justice, make regulations for the purposes of section 13A prescribing as a safe area—”

This is a ridiculously convoluted process to implement a safe zone to enable people to access legal health services, and takes up the time of two of the busiest and most senior government ministers.

In addition, Clause 13C (2) implies that such a recommendation can only be made after such harassment and intimidation has already occurred or at least been threatened:

“The Minister of Health may recommend the making of regulations under subsection (1) if the Minister is satisfied that prescribing a safe area—

- (a) is necessary to protect the safety and well-being, and respect the privacy and dignity, of persons—
 - (i) accessing abortion services:
 - (ii) providing, or assisting with providing, abortion services:
 - (iii) seeking advice or information about abortion services:
 - (iv) providing, or assisting with providing, advice or information about abortion services;”

The AWHC submits it is far more logical, and less work in the long term, to protect all New Zealanders from the risk of, or actual intimidation and harassment when seeking abortion services at all abortion facilities

from the outset; the amendment should simply provide for safe areas at all facilities providing abortion services.

The only justification required for this is that all New Zealanders should be able to go about their lawful business, including accessing any type of health care services, without harassment and intimidation.

AWHC absolutely and without qualification supports the implementation of safe areas around facilities providing abortion services but believes that the proposed amendment is unnecessarily complicated and allows for harassment and intimidation to occur at one or more facilities before any safe area is recommended.

AWHC asks that “safe areas” be implemented for all abortion facilities as a matter of course without having to undertake the laborious process set out in the proposed bill. No person should be subjected to harassment while seeking health care services of any description, and provisions for freedom of speech should not override an individual’s right to access services free from intimidation.

Recommendations of the AWHC

With regard to the proposed Contraception, Sterilisation, and Abortion (Safe Areas) Amendment Bill the Auckland Women’s Health Council recommends:

- That safe areas be that “safe areas” be automatically implemented for all abortion facilities as a matter of course, rather than by order of the Governor General as the result of a recommendation by the Minister of Health after consultation with the Minister for Justice .
- That abortion be treated as any other health matter, that is, as a private health issue, and the opinions of others and the right to express those opinions should not be afforded greater importance than the rights of individuals to access health care services free from harassment and intimidation.
- That it be recognised that, as a nation, we would not tolerate the harassment and intimidation of people accessing any other health services. Therefore, as abortion is now regulated as a health issue (as of the passing of the Abortion Legislation Act 2020) people are entitled to access abortion services without harassment and intimidation.