

Media release
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Passage of bill to stop harassment at abortion clinics a human rights win for NSW women. Berejiklian Government must now decriminalise abortion.

Australian Lawyers for Human Rights (ALHR) congratulates the NSW Government on the successful passage of legislation to create 'safe access' zones surrounding reproductive health services clinics. Ironically, although these measures to protect and promote the human rights of women accessing abortion services will become law, abortion will remain a criminal offence punishable by up to 10 years imprisonment under the NSW Crimes Act.

The Public Health Amendment (Safe Access to Reproductive Health Clinics) Bill 2018 passed overnight. The Bill was co-sponsored by the Hon Penny Sharpe MLC and the Hon Trevor Khan MLC and creates safe access zones of 150 metres around abortion clinics to protect women and staff from harassment and abuse when they enter clinics at which abortions are performed. Victoria, Tasmania, the ACT and the Northern Territory have all successfully introduced safe access zones around reproductive health clinics.

ALHR President Kerry Weste said, "ALHR welcomes the passage of these measures. Women seeking abortions and staff working at these clinics report routinely experiencing harassment and intimidation from anti-abortion protestors outside the clinics. Such behaviour infringes on women's right to privacy and dignity when accessing health services. Safe access zones around abortion clinics are an essential element in the protection of women and girls and the staff who care for them. This is a win for all women and girls in NSW."

"Access to safe and legal abortion services, in accordance with human rights standards, is part of a State's obligations to eliminate discrimination against women and girls, and to ensure their right to health and other fundamental human rights"

"While we congratulate the Government on protecting women and girls from harassment within 150 metres of abortion clinics, we remain concerned that abortion remains a criminal offence in NSW punishable by up to 10 years imprisonment under the NSW Crimes Act."

While abortion providers operate in New South Wales, they exist within an ambiguous legal space, and as a result, access to services is limited.

"ALHR renews its calls for the NSW Government and the opposition to immediately introduce or support legislation to decriminalise abortion in NSW.

"The reality is that 81% of Australians believe a woman should have the right to choose whether or not she has an abortion and that between half and one quarter of Australian women will access an abortion service in their lifetime," said Weste.

Weste continued, "The current NSW laws are archaic and not reflective of community values or of internationally recognised human rights principles. The United Nations Committee on the Elimination of Discrimination Against Women, the Special Rapporteur on the Right to Health, the Committee on Economic, Social and Cultural Rights and the Committee on the Rights of the Child have all declared access to safe and legal abortion is a fundamental human right for women and girls. Those who seek abortions should not be treated as criminals or subjected to harassment and intimidation."

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ALHR was established in 1993 and is a national organisation of Australian solicitors, barristers, academics, judicial officers and law students who practise and promote international human rights law in Australia. ALHR has active and engaged National, State and Territory committees and specialised thematic subcommittees. Through advocacy, media engagement, education, networking, research and training, ALHR promotes, practices and protects universally accepted standards of human rights throughout Australia and overseas.