

Briefing on Abortion Services (Safe Access Zones) Bill.

Helping you respond to the current public consultation.

Background

Abortion was decriminalised in Northern Ireland in October 2019 and in March 2020 the government published the new framework for the provision of abortion 'services'. As of October 2021, the Department for Health has not centrally commissioned these abortion 'services', citing the need for Executive approval. Despite this, there have been over 2000 abortions in Northern Ireland since March 2020.¹

There have been protests, and groups offering alternatives outside premises providing services relating to abortion, before and since the law was changed in Northern Ireland. There have also been previous attempts to limit these activities. For instance, in 2017, the Green party brought a motion at Belfast City Council to stop "*anti-abortion protesters from intimidating and harassing women outside the Marie Stopes Clinic*". It is clear that abortion remains a contested and sensitive issue here and we remain deeply committed to protecting the dignity of both women and their unborn children.

It is helpful and important to note that attempts to introduce exclusion/buffer/bubble/safe zones are a key part of the global pro-choice strategy to normalise abortion and limit public dissent to it. Yet both Westminster and the Dail have recently rejected similar legislation. After a period of review and a call for evidence the British Home Secretary in 2018 concluded that 'introducing national buffer zones would not be a proportionate response'. Similarly, the Department of Health in Ireland claimed in August 2021 that there has been only a 'limited number' of reports of protests since the introduction of abortion in 2019, highlighting the absence in need for such legislative measures. There has been no review of any evidence for such measures to be introduced in Northern Ireland.

In considering this bill, our concern is that public safety maintained along with the freedom to advocate for women and their unborn children by protesting peacefully and offering alternatives to abortion.

¹ <https://www.facebook.com/100057797720389/posts/317458090190779/?d=n>

What is the Safe Access Zone Bill?

This is a Private Members Bill, proposed by the Green Party Leader Claire Bailey which seeks to implement what are referred to as ‘safe access zones’, also known as buffer or exclusion zones, outside premises that deliver services related to the provision of abortion.

The bill creates two legal concepts: “protected premises” and “protected persons”.

“Protected premises” refers to a building that offers abortion services. “Protected persons” is a term used to describe the woman accessing the abortion related service or anyone accompanying the woman at her invitation. Anyone working in or providing services to the premises would also be regarded as a protected person.

The bill would make it an offence for any member of the public to gather in an otherwise public space, outside any designated protected premises, if that gathering may have the effect of *“preventing or impeding access to the premises or influencing, harassing, alarming or distressing persons accessing the premises”* as stipulated in clause 1 of the bill.

Safe Access Zones Bill – Some points to consider.

1. The name and framing of the bill is designed to imply that there is an issue of safety when accessing healthcare facilities. However there has been no review to consider any such evidence. Many people very strongly oppose the morality and/or legality of such abortion services. However the law already deals with actions which would jeopardise safety by physically obstructing or preventing someone from entering a public building to avail of legal services and/or access their place of work.
2. The aim of the bill is to prevent causing ‘alarm, distress and harassment’ to vulnerable women and staff. To be clear we do not want to see anyone distressed or subject to criminal behaviours, however we are concerned about the blunt criminalisation of many legal activities within the scope of this bill. There is no doubt that some of the actions of some of the groups involved in protests or offering alternative support services outside healthcare facilities have not been received well by some women, staff, and members of the public. Abortion is a very sensitive issue, and we would encourage people to exercise great wisdom and grace when

exercising their legal rights in this area, recognising that some women attending these clinics are particularly vulnerable.

3. It is important to note however that while some behaviours and images will be considered offensive, inappropriate, and unhelpful they do not, and should not cross the criminal threshold for legal intervention. Again, while some behaviours and experiences may be unpleasant or divisive, there is no right not to be offended and such activities can be discouraged through other measures rather than criminalisation. It is worth noting some alleged aggressive activities have already been addressed in other legislation, namely, Protection against Harassment Order 1997 and the Public Order Order 1987. Other activities such as silent prayer or peaceful protests should not to be deemed 'unsafe' or 'criminal' simply because they are considered unwelcome or unpopular.
4. There may be legitimate and proportionate reasons for limiting gatherings or activities in some spaces, particularly on Health Trust property, for example to maintain ambulance access, no smoking etc. The owners of such property can already exercise their rights in terms of what behaviours are permitted on their property without recourse to this legislation.

However, when it comes to most public spaces, the freedom to protest and express opinions and beliefs is well established in law. This bill aims to restrict some of these fundamental freedoms, namely, freedom to protest (Article 11) and freedom of expression (Article 10). Any domestic legislation that seeks to limit these freedoms must demonstrate a necessary, legitimate and proportionate aim. Our concern is that this bill as drafted is too blunt and vague in the restriction of such freedoms. The bill also fails to define the physical parameters of such a zone. It takes a blanket approach rather than dealing with any specific individuals and actions which may contravene existing criminal law.

5. The contents of the bill stipulate that it would be a criminal offence if someone was to 'influence' the protected person, whether 'directly or indirectly'. It's worth noting that this appears to criminalise both positive and negative influence and that the typical legal threshold is 'undue' or 'unreasonable' influence which causes distress. The chosen wording of 'influence', whether 'directly or indirectly' is very vague and very concerning. Would influencing someone include offering a leaflet or even praying?

6. This bill would criminalise offering alternatives to abortion like counselling and advice, or practical supports *that may influence* the woman seeking or considering abortion within this area. It would be important that the committee consider any evidence of women who have been helped by those offering alternatives to abortions outside healthcare facilities. A campaign launched in England called *Be Here for Me*, advocates for mothers who are against the banning of help outside abortion clinics. Their website provides powerful testimonies about mothers who have received help outside of clinics. [<http://behereforme.org>]

The ability to access legal services and the freedom to protest against these very services can both be provided for in society. Good legislation should be able to ensure public safety, protect the space to offer hope for saving unborn children and permit peaceful and respectful public dissent from the state sanctioned taking of human life.

How to respond?

The Bill is currently at Committee stage and the public are being invited to respond with their views at this stage. Written submissions should be sent electronically in Word format (not PDF) to: **Committee.Health_SafeAccess@niassembly.gov.uk**

The closing date for responses is the 12th of November 2021. The Safe Access Zones bill is a short document, and [you can access it here](#).

You might want to consider sending a similar email or letter to your local MLA to highlight some of the points which have been noted above if they align with your own approach and concern. You can locate your MLA's [via this link](#).

Links:

<http://www.niassembly.gov.uk/globalassets/documents/legislation/bills/non-executive-bills/session-2017-2022/abortion-services-safe-access-zones-bill/abortion-services-bill---as-introduced---full-print-version.pdf>

<https://www.theyworkforyou.com/ni/>