

Response

The Christian Institute is opposed to the measures contained in the Abortion Services (Safe Access Zones) Bill.

We highlight two main problems with the Bill.

1. It is unnecessary

The Bill seeks to address a problem which is already covered by existing law. In the Second Stage debate on the Bill, Clare Bailey MLA cited examples from her own experience as a volunteer at the Marie Stopes centre in Belfast. During her time there she says she was “spat at and assaulted”, verbally abused and had water splashed on her. She also states that women going to get abortions are harassed and intimidated.¹

Such attacks are rightly already illegal. There are laws against assault and harassment², and restraining orders can be used. If these are not sufficient to tackle the problem, the appropriate response would be to strengthen these laws, rather than introduce a blanket ban on all pro-life speech around abortion clinics.

It is also important to say that the behaviour mentioned by Clare Bailey is not the norm. The vast majority of people who present an alternative to abortion outside clinics are peaceful and respectful. Any protests usually take the form of praying outside premises, holding up signs or handing out leaflets with information about alternatives to abortion. The proposed Bill would suddenly bring these peaceful activities into the remit of criminal law.

2. It is disproportionate

Ms Bailey states that her Bill strikes the right balance between competing rights and freedoms according to Articles 9 and 11 of the UK Human Rights Act 1998. Article 9 ensures the right to freedom of thought, conscience and religion, and the manifestation of belief, while Article 11 ensures the right to peaceful assembly and freedom of association with others. These rights may only be limited in the interests of national security, public safety or to protect the rights and freedoms of others.

‘Safe access zones’ around abortion clinics would severely limit Article 9 and 11 rights without sufficient justification for such an interference. The Bill as drafted would make it a criminal offence to do *anything* within the unspecified ‘safe access zone’ which “might influence a person in their decision to attend an abortion clinic”.³ The Bill’s explanatory memorandum acknowledges this would include any “unsolicited” approaching of “protected persons” and “pamphlet distribution”. This is completely over the top. Why should such normal activities as handing out leaflets or talking to people be made a criminal offence, just because they happen to be outside an abortion clinic?

Ms Bailey says that she wants MLAs not to “distract themselves with their views on [abortion] and instead focus on what the Bill seeks to achieve, which is simply safe access to healthcare provision for all people and all staff”.⁴ From the very idea of her Bill, it appears Ms Bailey is ignoring her own

¹ Northern Ireland Assembly, Official Report, 12 October 2021

² For example, Protection from Harassment (Northern Ireland) Order 1997

³ Abortion Services (Safe Access Zones) Bill, Explanatory and Financial Memorandum

⁴ Northern Ireland Assembly, Official Report, 12 October 2021

advice and is only interested in prohibiting all opposition to abortion and suppressing offers to help to women.

Some women seeking to access abortion will be absolutely certain they are doing the right thing. However, others may not be so sure and may welcome the chance to think again. They may not have had access to all the relevant information and may be under the impression that abortion is their only option. Or they may be being coerced in some way. This Bill would ensure that such women do not even get the chance to reconsider.⁵ Far from being a neutral measure, it is clear that this Bill is ideologically driven and pro-abortion. It prohibits another viewpoint on abortion from being heard in the vicinity of abortion clinics. It is not the job of the Assembly to legislate what are and what are not acceptable views to be expressed, especially not on such a divisive issue.

It should be possible in our democratic society for opposing views to exist side-by-side. Many who are strongly pro-abortion nonetheless defend the rights of those who disagree to express their views in the vicinity of abortion premises.⁶ This Bill should be rejected as an unwelcome interference in our free society.

⁵ *The Guardian online*, 7 June 2018, see <https://www.theguardian.com/world/2018/jun/07/anti-abortion-protests-ban-ealing-marie-stopes-clinic-london> as at 10 November 2021

⁶ *The Times*, 15 May 2018