

I wish to record my objection and concern in regard to the above Private Members Bill, proposed by the Green Party Leader which seeks to implement what are referred to as 'safe access zones', outside premises that deliver services related to the provision of abortion.

I note that attempts to introduce exclusion zones are a key part of the global pro-choice strategy to normalise abortion and limit public dissent to it. However, both Westminster and the Dáil 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.

My understanding is that there has been no review of any evidence for such measures to be introduced in Northern Ireland?

The name and framing of the bill is designed to imply that there is an issue of safety when accessing healthcare facilities. In view of the attempt to implement a law that bans and criminalises pro life witness outside abortion centres the review of any such evidence is in the public interest.

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.

The aim of the bill is to prevent causing 'alarm, distress and harassment' to vulnerable women and staff. The majority of right thinking individuals would not wish to see anyone distressed or subject to criminal behaviours, but many are concerned about the blunt criminalisation of many legal activities within the scope of this bill.

Undoubtedly, some of the actions by some of the groups involved in protests or offering alternative support services outside healthcare facilities have not been received well by some women and members of the public. The issue of abortion is a very sensitive one, and people need to be mindful and sensitive when exercising their legal rights in this area, recognising that some women attending these clinics are particularly vulnerable.

It is important to note however that while some behaviours and images will be considered offensive or inappropriate, they do not, and should not cross the criminal threshold for legal intervention.

Whilst 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.

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.

My 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.

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'. I note 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 praying? 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 clinics. [<http://behereforme.org>].

Alina Dulgheriu from the London based group 'Be Here for Me' recently addressed members of the Oireachtas in ROI:-

"The day I made my way to the abortion facility was the darkest day my heart has ever known. I knew that there was no help, no support during my pregnancy. All I needed was help until I gave birth. A lady and a leaflet. That's all it took. Right there at the steps of abortion centre. This lady was offering unconditional help during my pregnancy and wanted nothing in return just for me to make the right decision in a desperate situation..

"From all that darkness, at last I felt hope, I felt for the first time that my child was wanted, not only by me, but also by complete strangers. For the first time, I felt that I was not walking alone on the day I was meant to end the life within me – my child. I cannot express the joy and how fulfilled I felt as a woman, as a mother, to be given the chance to have my child."

She continued "Expectant mothers should have all of the information, resources and emotional support that they need during their pregnancy – especially an unexpected pregnancy. A just and caring society doesn't criminalise people for offering help to vulnerable mothers." Ref: [Mothers against the ban on help outside abortion centres - Be Here for Me group gives briefing in Leinster House - Senator Rónán Mullen (ronanmullen.ie)]

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 imposition of abortion services/taking of unborn human life.