



Dear Committee,

I am writing to you on behalf of Abolish Abortion NI in relation to the Abortion Services (Safe Access Zones) Bill¹.

Background

Abolish Abortion NI is an evangelical Christian organisation who draw people together from across the denominational and political spectrum and give them a platform on which to make their voices heard.

As abolitionists we at Abolish Abortion NI take inspiration from the Christian men and women who, in the past, brought an end to the slave trade. These men and women, like Belfast natives Mary Ann McCracken and Rev Isaac Nelson, believed that all human beings are worthy of equal protection under the law. We seek politicians like William Wilberforce and William Lloyd Garrison who refused to compromise with evil, who rejected the gradual change to the law and instead demanded the total and immediate abolition of the slave trade. Today's abolitionists call for the total and immediate criminalisation of abortion as murder and never attempt to simply regulate or reduce abortion by treating it as healthcare.

Knowing that abortion is not likely to be abolished overnight, the abolitionist consistently calls for total and immediate abolition while working diligently to reduce the number of abortions by practicing moral suasion and assistance for as long as it takes and until total abolition is accomplished.

Across the world abolitionists are present at abortion clinics offering support to expectant mothers and pleading for the lives of the children who are being taken there to die. God has used, and continues to use, the witness of these men and women to save thousands of lives every year.

The Christians associated with us do not go to abortion clinics to protest abortion. They go to show love, compassion and support to their neighbour. Most importantly, they go because they are commanded to go by God in Proverbs 24:11 where he instructs His people to 'Rescue those who are being taken away to death; hold back those who are stumbling to the slaughter.'

Abortion clinic ministry is in its infancy in Northern Ireland, but it is our prayer that it will become an established ministry of churches here until abortion is abolished. It is a loving ministry that is, perhaps, best demonstrated by John Barros, a true hero of the faith whose ministry has been used by God to save thousands of lives. A short insight into his ministry can be seen here: <https://youtu.be/2iAoUvqXUtc>

What does the Abortion Services (Safe Access Zones) Bill aim to do?

According to the proposer, Clare Bailey MLA, the Bill will 'requires the Department of Health to establish 'safe access zones' around abortion clinics in order to protect the women using those clinics as well as the people who work in them.'²

It seeks to do this by ensuring 'women and others visiting or working in the premises with legitimate reason (and those accompanying them) are not approached in an unsolicited manner within this zone' and by 'preventing activities designed to cause distress or to deter a person from approaching a building

¹Abortion Services (Safe Access Zones) Bill - <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>

²Explanatory And Financial Memorandum - <http://www.niassembly.gov.uk/globalassets/documents/legislation/bills/non-executive-bills/session-2017-2022/abortion-services-safe-access-zones-bill/efm---abortion-services---as-introduced---full-print-version.pdf>



– e.g. filming, recording, unsolicited ‘counselling’ and pamphlet distribution.’

What laws currently exist?

In the Background and Policy Objectives section of the Explanatory and Financial Memorandum the proposer claims that ‘It will be a criminal offence to harass people in a safe access zone around those clinics.’ The Protection from Harassment (Northern Ireland) Order 1997³, however, already makes it a criminal offence to harass people, not only outside abortion clinics, but anywhere. This Order, when combined with The Public Order (Northern Ireland) Order 1987⁴, gives authorities the power to prosecute those who engage in harassment or seek to block access to buildings.

For example, the provision in Clause 6 (2)(b) of the Abortion Services (Safe Access Zones) Bill that ‘It is an offence for D to do an act in a safe access zone with the intent of, or reckless as to whether it has the effect of preventing or impeding access by a protected person in connection with the protected person attending protected premises for a purpose mentioned in section 4’ is already legislated for by The Public Order (Northern Ireland) Order 1987 which, in Section 20 (1) states that ‘A person who, by sitting, standing, kneeling, lying down or otherwise conducting himself in a public place, wilfully obstructs or seeks to obstruct traffic or wilfully hinders, or seeks to hinder, any lawful activity shall be guilty of an offence.’ This existing offence also carries more serious penalties than the proposed Bill, with a person guilty of an offence ‘liable on summary conviction to imprisonment for a term not exceeding 1 month or to a fine not exceeding level 3 on the standard scale, or to both.’

Furthermore, Clause 6 (2)(c) of the Abortion Services (Safe Access Zones) Bill states ‘It is an offence for D to do an act in a safe access zone with the intent of, or reckless as to whether it has the effect of causing harassment, alarm or distress to a protected person in connection with the protected person attending protected premises for a purpose mentioned in section 4.’ This is already legislated for by Section 2 (2) of The Protection from Harassment (Northern Ireland) Order 1997 states ‘In this Order references to harassing a person include alarming the person or causing the person distress.’

It is the opinion of Abolish Abortion NI that this Bill is unnecessary as the offences described in Clause 6 (2)(b) and (c) are already provided for by existing legislation.

The crime of ‘influence’

The only provision within Clause 6 of the Bill that is not currently covered by existing legislation can be found in Clause 6 (2)(a) which states ‘It is an offence for D to do an act in a safe access zone with the intent of, or reckless as to whether it has the effect of influencing a protected person, whether directly or indirectly, in connection with the protected person attending protected premises for a purpose mentioned in section 4.’

The Cambridge English Dictionary⁵ defines the word influence as ‘to affect or change how someone or something develops, behaves, or thinks.’ In effect this means that, within a designated area, this Bill criminalises any behaviour or speech that may potentially have the effect of changing someone’s mind about attending an abortion clinic or, simply change what they think about abortion.

Given that all human interaction contains some degree of influence, this bill criminalises anyone within a designated zone who has any form of communication with a protected person as that communication could cause the person not to attend the abortion clinic. For example, on strike nurses could be criminalised if their presence outside their place of work may cause someone not to attend that facility.

More specifically, however, this Bill is designed to criminalise any behaviour that seeks to save the life of the child being taken to the clinic to die. This includes, in the case of Christian abolitionists, the

³ The Protection from Harassment (Northern Ireland) Order 1997 - <https://www.legislation.gov.uk/nisi/1997/1180/contents>

⁴ The Public Order (Northern Ireland) Order 1987 - <https://www.legislation.gov.uk/nisi/1987/463/contents>

⁵ Cambridge English Dictionary - <https://dictionary.cambridge.org/dictionary/english/influence>



preaching of the Gospel, offering compassionate support to those attending the clinics, prayer, holding signs with scriptural texts or even holding a sign with a picture of a living child.

While it is interesting to highlight what the Bill will criminalise it is equally interesting to note what it will not criminalise. The Explanatory and Financial Memorandum makes it clear that the crime of 'influence' only applies when that influence may 'deter a person from approaching a building'. It does not apply, however, when influence is used to pressurise someone to use the clinic.

Should this Bill become law a Christian calmly and respectfully saying, "We can help you. Please don't kill your child" will be treated as a criminal while an abusive boyfriend standing outside an abortion clinic forcefully telling his girlfriend to "Go in and kill your child" will face no punishment at all.

It is the view of Abolish Abortion NI that this bill does not make it 'a criminal offence to harass people in a safe access zone around those clinics' as the proposer suggests. This Bill criminalises the offer of choice, something that the proposer ironically claims to be in favour of by simply redefining harassment to criminalise speech and behaviour that she and her party simply do not like while implicitly giving approval to behaviours that would force someone to have an abortion.

What evidential basis is there for this Bill?

Evidence from the rest of the UK and Republic of Ireland

In 2018, the then United Kingdom Home Secretary, Sajid Javid, conducted an in-depth review into protest activities outside abortion clinics. The outcome was clear. He acknowledged that "introducing national buffer zones would not be a proportionate response considering the experiences of the majority of hospitals and clinics, and considering that the majority of activities are more passive in nature. In making my decision, I am also aware that legislation already exists to restrict protest activities that cause harm to others."⁶

The same approach has also recently been taken in Scotland. On the 4th of November 2021, Marea Todd, the SNP Public Health Minister insisted in a Scottish Parliament debate⁷ on exclusion zones that a national ban on protests outside clinics wasn't an option, saying the rights of protesters who gathered outside clinics also had to be considered.

Ms Todd said, "it is important that any action that is taken is proportionate and balances the rights, under the European convention on human rights, of people who access healthcare and people who attend vigils or protests. Patients should be able to access healthcare without feeling intimidated or harassed, but we must, at the same time, recognise the rights of people to protest peacefully and to express their views... Although we believe that buffer zones can be justified in certain circumstances, the Scottish Government does not consider that imposing blanket buffer zones around all abortion clinics would be appropriate."

While legislative efforts to introduce exclusion zones continue in the Republic of Ireland it is worthwhile noting that, in September 2019, Garda Commissioner Drew Harris told the Irish Health Minister Simon Harris that he is satisfied that existing public order legislation can adequately deal with any incidents that may arise at centres that provide abortion services⁸.

⁶Outcome of the Abortion Clinic Protest Review - <https://questions-statements.parliament.uk/written-statements/detail/2018-09-13/HCWS958>

⁷Scottish Parliament: Official Report - Abortion Clinic Buffer Zones - <https://archive2021.parliament.scot/parliamentarybusiness/report.aspx?r=13382&i=121458#ScotParlOR>

⁸Existing laws adequate to deal with abortion protests, says Garda commissioner - <https://www.irishtimes.com/news/health/existing-laws-adequate-to-deal-with-abortion-protests-says-garda-commissioner-1.4031727>



"I confirm my satisfaction with existing public order legislation to adequately deal with any reasonable public order incident that may arise at such centres," the Garda Commissioner's letter to Mr Harris states.

"I re-confirm my views expressed at our recent meeting that protests to date at such centres have not contravened the law and are peaceful. To date no incident of criminality has been reported or observed as a result of a protest placed at or near the vicinity of a service centre."

The letter goes on to state: "There is no evidence to suggest that there is threatening, abusive or insulting behaviour directed towards persons utilising such services. Consequently, the introduction of any further legislation to ensure 'safe access' to termination pregnancy services, would be redundant at this time."

UK Government's view on the necessity of evidence

Abortion was decriminalised in Northern Ireland in October 2019 and The Abortion (Northern Ireland) Regulations 2020⁹ came into effect on the 31st of March 2020. In April 2020, in the absence of the full commissioning of abortion, a group of doctors and nurses created their own abortion regime. This regime has, to date, claimed the lives of over 2000 preborn children.

Prior to writing their abortion regulations the UK Government carried out a six-week public consultation entitled 'A new legal framework for abortion services in Northern Ireland.'¹⁰ Section 2.9 of this consultation dealt specifically with the issue of 'Exclusion Zones'.

In the overview of this question the UK Government highlights the importance of recognising competing rights: 'In giving consideration to such a provision, there is a need to balance rights and freedoms under the European Convention on Human Rights (ECHR). A prohibition on protest and other activity in a public place would engage articles 9 (freedom of thought, conscience and religion), 10 (freedom of expression) and 11 (freedom of association) and interfering with those rights must be justified and balanced against the right to respect for private and family life under article 8 of the ECHR for those affected.'

The UK Government also point out that there are a number of such zones in England and Wales but the powers to create such zones 'have previously been used in only a select number of locations in response to incidents where there has been harassment, alarm or distress caused to the people seeking to access the locations and services provided.'

The importance that the UK Government placed on requirement for evidence before enforcing any such exclusion zones was emphasised by their response to this section of the consultation.¹¹

Explaining their decision not to implement Exclusion Zones in their initial abortion regulations the UK Government stated that 'This decision has been made on the basis that services should be given time to embed so that service providers can assess any response required based on evidence and the Northern Ireland experience. The Government does not want to pre-empt situations that may arise, or ask that the relevant Northern Ireland departments exercise new powers.'

The UK Government went on to say that they 'will keep the matter under review and continue, as appropriate, to liaise further with the relevant departments in Northern Ireland to consider the best

⁹ The Abortion (Northern Ireland) Regulations 2020 - <https://www.legislation.gov.uk/uksi/2020/345/made>

¹⁰ A new legal framework for abortion services in Northern Ireland - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/844394/Government_consultation_-_A_new_legal_framework_for_abortion_services_in_Northern_Ireland__November_2019_.pdf

¹¹ A new legal framework for abortion services in Northern Ireland. UK Government consultation response - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/875380/FINAL_Government_response_-_Northern_Ireland_abortion_framework.pdf



approach to take following the introduction of service provision and respond to any challenges as needed at the time.'

This UK Government's decision reflects the serious nature of what a Bill such as the one being proposed does. Any decision to deny rights from one person should not be taken lightly and should be based on solid and independent evidence. Indeed, the Council of Europe highlight the requirement of necessity when stripping people of their qualified rights when they say: 'No restrictions shall be placed on the exercise of these rights other than such as are prescribed by law and are necessary in a democratic society in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others. This Article shall not prevent the imposition of lawful restrictions on the exercise of these rights by members of the armed forces, of the police or of the administration of the State.'¹²

In March 2021, one year after laying their original abortion regulations, the UK Government laid the The Abortion (Northern Ireland) Regulations 2021. These regulations contained no provision for Exclusion Zones and the UK Government has at no stage since indicated any desire to legislate to provide them. This would suggest that the threshold of evidence required for them to do so has not yet been met.

Proposer's Evidence

During the Bill's Second Stage, on the 12th of October 2021¹³, the proposer, Clare Bailey, provided compelling evidence of harassment and intimidation. This included evidence from her personal experience of working as a 'clinic escort'.

Prior to detailing her experiences, the Proposer indicated that the evidence she was about to give was happening at the present when she said, "What is happening on our streets is a very deliberate campaign of harassment and intimidation against women." On closer inspection, however, the evidence provided by the proposer is not evidence of what is currently happening outside clinics but is historical evidence of events that happened prior to the commencement of abortions in April 2020.

Among the evidence she gave during the debate the proposer said, "During my time there, I was spat at and assaulted, I had holy water splashed on me and I was verbally abused."

This account exactly matches an account given by the proposer in an interview published by the Irish Times on the 8th of December 2017¹⁴ when she said, "During my time there, I was spat at and assaulted, I had holy water splashed on me and I was verbally abused."

Other evidence given by the proposer in the Assembly Chamber also appeared in the 2017 Irish Times article.

The proposer's claim that "I saw one young woman who was so distressed that she ran into four lanes of oncoming traffic to try to escape the protesters" also appeared in the Irish Times when she said, "I had one client who ran into oncoming traffic in the city centre to try to get away from them."

Likewise, the proposer's claim that a woman "was filmed and threatened that the footage would be uploaded and broadcast on social media. They also threatened to report the scenes to the police" was also a duplication of her comment in the Irish Times where she said, "protesters were using phones to record them, threatening to upload them to social media, threatening to report them to the police,"

¹² Council of Europe. "Convention for the Protection of Human Rights and Fundamental Freedoms." Council of Europe Treaty Series 005, Council of Europe, 1950.

¹³ Official Report: Tuesday 12 October 2021 -

<http://aims.niassembly.gov.uk/officialreport/report.aspx?&eveDate=2021/10/12&docID=352778#3676479>

¹⁴ Closure of Marie Stopes Belfast clinic ends five years of hostility - <https://www.irishtimes.com/news/social-affairs/closure-of-marie-stopes-belfast-clinic-ends-five-years-of-hostility-1.3318970>



It is apparent that none of the evidence presented by the proposer is recent or relevant. The evidence presented to the Assembly, as well as the evidence gathered by the proposer's consultation, is at least four years old and provides absolutely no insight into what is happening now or what has been happening since April 2020, when abortions first became available in HSC facilities in Northern Ireland. It is the opinion of Abolish Abortion NI that the use of the proposer's evidence by the NI Assembly to strip people of their qualified rights would be an egregious error.

PSNI Evidence

Given that the Bill seeks to criminalise behaviour that is already covered by current legislation it is somewhat surprising that the proposer offers no evidence from the PSNI to support her Bill.

When Christians who are associated with Abolish Abortion NI go to abortion clinics they inform the police of their location, time of arrival and duration of stay before they arrive and ask that the police maintain a presence at the clinic during this time.

It is, unfortunately, necessary to do this as Christians have been subjected to harassment and verbal abuse while exercising their religious duty and this has proven to be distressing. This has resulted in numerous religiously motivated hate incidents being recorded with the PSNI.

On a number of occasions Christians have also been physically assaulted while exercising their religious duty. On one recent occasion an elderly man was sprayed in red paint as he stood on a main road near an abortion clinic.

At the time of the attack the elderly man was standing with a sign that had 'Equal Rights for all Humans' and a textbook style photo of a living human being in the womb. He had paint sprayed into his eyes and required attention from an ambulance crew. The PSNI recorded this incident as a religiously motivated hate crime.

It has been shameful to see politicians and trust representatives choose to use this attack as justification for exclusion zones. Victim blaming like this has no place within our society and should be condemned by all politicians.

At present we have a freedom of information request lodged with the PSNI in relation to the number of complaints received about those offering support outside abortion clinics. We look forward to sharing this information with the committee in due course.

Evidence from Trust Chief Executives

On the 8th of July the Committee for Health heard evidence on the Severe Fetal Impairment Abortion (Amendment) Bill from the Health and Social Care Trust Chief Executives¹⁵.

During this session the Chief Executives of the trusts were asked about protests outside abortion clinics. While the representatives of the Southern and South-Eastern trusts presented some anecdotal evidence, it was the Northern and Belfast Trusts who presented quantitative evidence.

Commenting on the situation in the Northern Trust, Ms Jennifer Welsh said, "We have reported 15 incidents of protests in the organisation: one in February; one in March; two in April; three in May; and eight in June."

It is important to note that Ms Welsh said that these reports related to 'incidents of protests.' This should not be confused with 'incidents due to protests.' Indeed, Ms Welsh went on to say, "I agree with you and strongly support the right to peaceful protest, and the majority of the weekly protests have been peaceful at the service provided in the Northern Trust area."

¹⁵Official Report: Minutes of Evidence - <http://aims.niassembly.gov.uk/officialreport/minutesofevidencereport.aspx?AgendaId=27167&evidID=14590>



In response to a question from Jonathan Buckley MLA, Dr Cathy Jack, Chief Executive of the Belfast Trust, said, "We have been running the service in the centre of Belfast since the end of April 2020, and I told you that there have been only two incident reports. Jonathan, that makes it clear that the vast majority of the protests have been peaceful and respectful. We have no problem with that, and I started my answer to the question about the protesters by saying that."

It is clear from evidence already presented to the Committee by representatives of the Health and Social Care Trusts that this Bill is unnecessary.

Evidence from Alliance for Choice

Since early in 2021 the pro-abortion advocacy group, Alliance for Choice, have been encouraging people to submit accounts of 'anti-choice harassment' via their website¹⁶. In the run up to the debate on the 12th of October 2021 they then encouraged their supporters to email MLAs with details of the 'evidence' that they had collated¹⁷.

Given the nature of this organisation it was somewhat alarming to hear MLAs use information provided by them during the debate on the 12th of October without, it would appear, much scrutiny into how the data was collected or how relevant the evidence was to what was being debated.

Among the questions asked by Alliance for Choice on their data collection form was the question 'How did the protestors make you feel?' While this is a legitimate question, respondents were then encouraged to 'be as descriptive as you can and emotive as you want.'

The very next question was 'Can you easily describe how it made others feel?' meaning that pro-abortion activists, responding to questions on a pro-abortion website were being asked to hypothesise how people would feel about people sharing opinions that the respondent vehemently disagrees with. The evidence gained from this question is entirely hypothetical.

Unsurprisingly the evidence gained through Alliance for Choice's data collection campaign is, for the most part, entirely unrelated to the content of the Bill that it claims to back up. For example, almost all the people who submitted evidence via Alliance for Choice's web form would not have been designated as 'protected person' by the Bill. The following responses give a small sample of this:

"I had an appointment in a solicitors office across the road from John Mitchell place Newry, I was so scared entering hill Street newry"

"I am a man but I immediately thought of my daughter and other young women like her."

"sick. They are why I have never moved back home. the lack of respect for women in NI is unparalleled"

"I was just passing by but as a person who accessed a similar service in the past I found this a "triggering" experience."

"I have lived in England for nearly a decade yet every single time I am back in Belfast city centre without FAIL I will witness anti choice harassment. I was once verbally abused after simply walking PAST a crowd of anti-choicers blocking the entrance to the old MSI clinic in 2017."

On closer inspection even those who look like they may have been providing relevant evidence were not. For example:

¹⁶Have You Witnessed Anti-Choice Harassment? - <https://www.alliance4choice.com/anti-watch>

¹⁷Letter to MLAs on Protestors - <https://www.alliance4choice.com/letter-to-mlas-on-protestors>



"They had images and a bag of things they must have planned to give out. I didn't interact with them I was so afraid of them that I got a taxi from the airport straight to the door of the clinic and picked up to leave the same way"

Since April 2020 Health and Social Care Trusts began offering abortions but only to women residing in their own trust area. The fact that this respondent talks about getting a "taxi from an airport" shows that their evidence does not relate to anything that has happened in Northern Ireland since April 2020 and is, therefore, irrelevant.

While inherent bias should automatically make people suspicious of any 'evidence' provided by an organisation such as Alliance for Choice their website and collection methods provide an interesting insight into their motives.

On the data collection page of their website, beside the bold heading 'HAVE YOU WITNESSED ANTI-CHOICE HARASSMENT?' Alliance for Choice chose to post the picture of a billboard, presumably because this provides an example of what they deem to be anti-choice harassment. This billboard, from Christian Action, Research and Education contains a picture of a baby's feet being cradled by an adult's hand above the words 'Fearfully and Wonderfully Made'.

The billboard in question makes no reference to abortion but instead contains a section of a Bible verse. This quotation is taken directly from Psalm 139:14 in which the Psalmist says, "I praise you, for I am fearfully and wonderfully made. Wonderful are your works; my soul knows it very well." It is the opinion of Abolish Abortion NI that the decision to use this image and deem it as harassment shows the true motives of this organisation - an anti-Christian agenda that is seeking to reframe the expression of Christian views on abortion as harassment.

Further evidence of this can be seen again on the web page where they provide a template letter for supporters to email MLAs. At the top of this page there is an image of a Catholic man carrying a religious figure. Alliance for Choice have photoshopped over the statue with images of rocks and an elderly lady. This is highly offensive to people of the Catholic faith.

It is clear, based on the evidence that they provided, and based on the content of their website, that Alliance for Choice and their respondents are not providing accounts of behaviours that are causing 'harassment' but are simply providing accounts of behaviours they find 'offensive'.

It is well established that, under UK law, speech deemed to be offensive by one group of people does not provide a solid basis for stopping that speech from happening. In a landmark case at the Court of Appeal in December 2020¹⁸ Lord Justice Bean and Mr Justice Warby said: 'Freedom only to speak inoffensively is not worth having.'

They added that 'free speech encompasses the right to offend, and indeed to abuse another'. The judgment from two senior members of the judiciary will set a precedent for future cases involving freedom of speech.

Finding the words or behaviours of an individual or a group 'offensive' gives no justification to restrict that person or group's freedom to express those views or restrict where or when those views may be expressed. It is, therefore, the opinion of Abolish Abortion NI that, given the inherent bias in the evidence provided and the lack of relevant evidence supplied, all evidence provided by Alliance for Choice should be disregarded.

Further consideration

Representatives from Abolish Abortion NI would welcome the opportunity to discuss the content of this submission with the Committee during oral evidence.

¹⁸[2020] EWHC 3421 (Admin) - <https://www.judiciary.uk/wp-content/uploads/2020/12/Scottow-v-CPS-judgment-161220.pdf>



It would also be our intention to invite Pastors and Ministers who are currently ministering outside abortion clinics to give oral evidence on their experiences outside these clinics to the Committee.

Yours Faithfully,

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