



Abortion Services (Safe Access Zones) Bill

Both Lives Matter - context matters

The Both Lives Matter campaign was launched in 2017 to speak into the issues of pregnancy crisis and abortion. Our starting point is simple, that in every pregnancy there are at least two lives in existence. So, we stand with and for both the woman and her unborn baby, and advocate for services that enable both to live and thrive. We strive for a culture that affirms both lives regardless of circumstance and speak for laws that recognise and protect both, as far as is humanly possible.

Laws matter because law shapes culture. We lament the loss of the previous law which struck a difficult and delicate balance, protecting the lives of both mother and child in pregnancy as far as humanly possible.

In 1967 when the Abortion Act was introduced to Great Britain, Northern Ireland rejected that law change.

In Great Britain over fifty years of state sanctioned and sponsored abortion laws, have led to abortion being normalised and 9 million lives terminated. In 2020 there were 209,917 abortions for women resident in England and Wales. That is the highest number recorded since the Abortion Act was introduced.

Our different and life affirming law meant that abortion was not normalised, nor was it common and abortion rates here were seven times lower. Our very different law helped to save the lives of over **100 thousand people**¹, people we all know and love.

Between July 2019 and March 2020 new legislation was passed at Westminster which radically changed the law on abortion in Northern Ireland. Vital protections and safeguards for women and unborn children have been removed

The new abortion legislation points to the eventual end goal of the abortion lobby: abortion permitted by anyone, anywhere, at any stage up to birth, for any reason.

In March 2020 the government published the framework for the provision of abortion services. As of November 2021, the Department for Health has not centrally commissioned

¹ <https://bothlivesmatter.org/statistics>



these abortion services, citing the need for Executive approval. Despite this it is reported that over 2000² terminations of pregnancy have been carried out.

Whilst we recognise the new legal reality we are currently living within; we will always reject the abortion legislation that was imposed upon us. We mourn the lives that are lost and harmed as a result. Every abortion terminates a human life, and many women will be harmed by their abortion.

We remain deeply committed to protecting the human dignity of both lives in pregnancy. And to enabling and inspiring women, who face an unplanned, unwanted or crisis in pregnancy, to choose life for them and their baby. However, in order to choose life, there must be genuine alternatives to abortion, freely available and accessible to the women who need them, when they need them and without which abortion may seem like their only “choice”.

The Abortion Services (Safe Access Zones) Bill Overview and key points of concern.

The Private Members Bill proposed by the Green Party Leader Clare Bailey 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 also creates “*protected premises*” and “*protected persons*”.

The bill would make it an offence for any member of the public to gather in an otherwise public space, in the near vicinity of, and outside any designated protected premises, if that gathering *may* prevent or impede access to the premises, or influence, harass, alarm or distress persons accessing the premises.

As written the bill would criminalise any individual who *may directly or indirectly influence* the woman/protected person who is accessing the building and/or seeking or considering abortion. This would include passive activities such as leaflet distribution, prayer and the offer of alternative services such as counselling and advice, or practical supports that may influence the woman seeking or considering abortion.

Any individual invited by the woman, who is accessing the building and/or seeking or considering abortion, to accompany her, would also be a “protected person”. As would any person working in or providing services to the protected premises.

² As claimed by MP Carla Lockhart on 28 October 2021 <https://www.facebook.com/100057797720389/posts/this-week-in-parliament-i-had-some-very-constructive-discussions-on-pro-life-iss/317458090190779/>



Our response to The Abortion Services (Safe Access Zones) Bill.

The woman facing an unwanted, unplanned or pregnancy crisis who is considering or seeking abortion and the unborn baby she is carrying, are always at the forefront of our response, to any aspect of the issues of pregnancy crisis and abortion.

In the context of state sanctioned, sponsored, and supported abortion services it is fair to ask the question regarding any parity of access to, information on and availability of genuine alternatives, outside of the abortion facilitators and providers. For example, ComRes polling³ carried out in 2017 showed that 93% of women in GB recognise the need for and support the provision of counselling independent of those who also campaign for and/or provide abortion. And 79% of the British public agreed that women considering abortion due to financial pressures should be given more support.

Be Here For Me, was established in England following attempts to ban alternative help outside an abortion clinic in Ealing. They seek to protect the ability of people 'to help those who want to keep their children but have no help available to them'.⁴ The group was formed by women who were themselves helped by individuals and groups who offer life affirming alternatives outside of abortion clinics. This bill, if passed, would ban such help in Northern Ireland.

Representatives from *Be Here for Me* have made representation to Westminster and the Dail as part of their reviews into, and subsequent rejection of proposed buffer/exclusion zones in GB and Ireland.

This aim of this 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 otherwise legal

³ <http://comresglobal.com/wp-content/uploads/2017/05/Where-Do-They-Stand-Abortion-Survey-Data-Tables.pdf>

⁴ <http://behereforme.org>



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 will always be a sensitive and contested issue. We would encourage people whose conscience directs them to exercise their freedom and protest abortion and/or offer alternative help to women considering abortion, to exercise great wisdom and grace in doing so.

However, the present and future scope of this bill is difficult to discern, and the direction of travel is worrying. Below are our key issues of concern with the proposed bill:

1. Evidence of need for this new legislation.

1.1 The title of the bill infers that; 1) currently there are unsafe areas or zones and 2) existing legislation around public safety is not sufficient to address the need.

1.2 The evidence of need for additional legislation is yet to be seen, raising valid concerns around the unnecessary duplication of legislation. 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. If there are gaps in protection and weakness in application, existing legislation should be amended.

1.3 Protests against abortion here in Northern Ireland, outside premises offering services related to abortion, have been held before and since the law was changed. There have 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"*.

1.4 Abortion remains a contested and sensitive issue here, however we question the motivation behind and intent of the bill, particularly given the lack of evidence for it. Specifically related to any plans around the future of abortion provision, and the desire



to censor those who are opposed to or concerned by those abortion services. 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. The right to gather and protest peacefully is established in law and any removal of or restriction to those freedoms must be shown to be necessary and proportionate.

1.4 Westminster and the Dail have recently rejected legislation designed to introduce exclusion/buffer zones. After a period of review and a public call for evidence the British Home Secretary in 2018 concluded that 'introducing national buffer zones would not be a proportionate response'. The Department of Health in Ireland stated in August 2021 that there have been only a 'limited number' of reports of protests since the introduction of abortion in 2019, highlighting the absence of need for such legislative measures there.

2. Key questions surrounding the newly created “protected premises” and “safe access zone”.

2.1 The Bill effectively gives the Department of Health powers to introduce new criminal offences. This does not seem appropriate.

2.2 The exact site of a “protected premises” and area comprising a “safe access zone” appear open ended.

In relation to the “protected premises”; Clause 3:2 (d) refers to “any other premises approved for the purposes...by the Department.”

In relation to the “safe access zone”; Clause 5:1(b) refers to a public area “outside” and in “the immediate vicinity”.

There are serious questions about the extent of these powers and the impacts this could have on a wide range of people and premises.



3. This Bill criminalises otherwise legal behaviour.

- 3.1 Accessing abortion services and the right to protest (within the confines of the law) are two activities that do not have to be mutually exclusive.
- 3.2 This legislation creates illegitimate and disproportionate risks to Articles 9, 10 and 11 of the ECHR by criminalising fundamental freedoms and otherwise legal activity taking a blunt and blanket approach.
- 3.3 Existing legislation provides protections around public safety, whilst protecting equally the freedom to advocate for women and their unborn children by protesting peacefully and offering alternatives to abortion.

4. This Bill allows the State to determine acceptable and limit unacceptable influence.

- 4.1 This Bill provides for the state to define who is an acceptable influencer and where, and censors those deemed unacceptable. That the state would seek to silence dissenting voices and criminalise actions that are otherwise legal, is alarming. As is the desire to prescribe who is permitted to influence a woman seeking abortion, limit the place of influence and censor unacceptable influencers.
- 4.2 The bill creates a “*broad offence that makes it a crime to do anything which might influence a person*”, “*directly or indirectly*”. The means of influence can be passive or active. The effect of the influence may be positive or negative depending on perspective, as highlighted by the women from *Be Here for Me*. It’s worth noting typically the legal threshold is ‘undue’ or ‘unreasonable’ ‘influence’ which causes distress.



4.3 The bill limits a woman's access to alternative support services at the very point of need. In the context of state sanctioned, sponsored and supported abortion services there is no parity of access to, information on and availability of genuine alternatives. Women may have had no other opportunity to access those supports that may enable them to not terminate their pregnancy and abort their baby.

Summary.

We seek to affirm the dignity of every woman and preborn child in a pregnancy crisis situation and therefore believe that society in NI, as a whole, and communities in particular should be places where the full range of help and advice is available. This would include freely available information on alternatives to abortion, when and where women need it.

In failing to provide equally, state sponsored parity of choice that is independent of the abortion/choice campaigners and providers. And by limiting through this Bill potential alternatives to abortion for the women who are vulnerable, at what may be their only or last opportunity to receive that help, the state is failing in their duty of care.

The trajectory of this Bill is alarming. 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.

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.

Activities such as silent prayer or peaceful protests should not be deemed 'unsafe' or 'criminal' simply because they are considered unwelcome or unpopular.



The serious nature of what this Bill attempts to do demands evidence of need. Abortion will always be a sensitive and contested issue. The sincerely held belief that life begins at conception, and that every human being has inherent dignity, value and worth, directs that life affirming action be taken. If actions are to be criminalised that are otherwise legal, leading to the silencing of some views in some spaces, this requires careful consideration, proportionality and evidence-based policy making that goes beyond the lived experience of an important but relatively small group of people.

This bill is not required and any legitimate questions it raises can and should be dealt with compassionately by way of alternative methods which also protect the freedoms of others to offer alternative support or protest the ending of a human life.

Contact

We would be happy to discuss these issues further and/or give oral evidence to the committee if that was considered helpful.

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