

Current Harassment Law is not adequate

Current legislation on Harassment requires two or more occasions to make the legal threshold. While the behaviour of protesters outside healthcare providers may constitute harassment, different individuals may approach a patient to avoid meeting the legal threshold

Free Speech is a qualified right

Free speech and freedom of assembly are both qualified rights they must be balanced with others rights for example in relation to laws against his speech and defamation.

This bill would only restrict these rights in a delineated access zones which are not a space for political lobbying but areas outside healthcare providers.

This bill would not restrict antichoice protests outside of safe access zones.

Safe access zones are a proportionate response to balance the rights to free speech and assembly and the rights to private life and health.

Proposed offences and Sentence level

Currently the bill provides for a fine this may not be a deterrent as organisations may be prepared to pay the fine.

In order to prevent recidivism we recommend anyone committing an offence under this bill be required to attend training on anti-harassment training, similar to driving offences and speeding awareness training.

The bill does not make provision for offences relating to photographing and recording patients and healthcare providers from outside as if access on this should also be an offence, along with any subsequent online harassment.

Human Rights

There is a binding duty on the NI Secretary of State to to fully implement CEDAW's 2018 recommendation to the UK Government to "protect women from harassment

from anti-abortion protestors by investigating complaints, prosecuting and punishing perpetrators” which is contained in S9 Northern Ireland (Executive Formation etc) Act 2019

To fail to provide safe access zones may constitute further human rights breaches as this could make lawful abortion prohibited in practice.

The European Court of Human Rights found in cases where abortion is lawful but access is prohibited in practice – for example, by health professionals, structures or unclear information –Article 8 (e.g. *Tysi c v. Poland* (Application no. 5410/03) (2007) and Article 3 (e.g. *S. v Poland* (Application no. 57375/08) (2012))

The impact of clinic protests

Clinic protests are a barrier to accessing lawful abortion care as they create an intimidating environment where one’s safety is not guaranteed. Additionally the impact of clinic protesters behaviour, language, and materials on the mental health of those accessing lawful abortion services can be very damaging.

While clinic protesters may explain their behaviour as benign, praying or offering counselling it is impossible for someone accessing the clinic to know what the protesters behaviour will be. Their presence is intimidating for both patients and staff.

For potentially vulnerable patients such as minors and those pregnant as a result of the sexual crime there are additional concerns that such protests will cause distress and adverse mental health impacts to people who have already experience trauma.

Protesters will also use words such as ‘murder’ and ‘kill’ this language is particularly distressing for those who are terminating a much wanted pregnancy after receiving a severe or fatal foetal impairment diagnosis.

Often clinic protests are accompanied by graphic images, these are particularly distressing for people who have experienced a miscarriage.