

- The current harassment legislation is inadequate because it requires two or more occasions to meet the legal threshold. While the behavior of protesters outside healthcare providers may constitute harassment, different individuals may approach a patient to avoid meeting the legal threshold.
- Free speech and freedom of assembly are both qualified rights and as such must be balanced with others rights (for example, rights in relation to laws against his speech and defamation). The Bill restricts those rights only in a delineated access zones; such zones are not a space for political lobbying but areas outside healthcare providers. The Bill would not restrict anti-choice 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.
- A fine may not be an effective deterrent as organizations may be prepared to pay the fine. A more effective consequence for anyone committing an offence under the Bill be required to attend 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; this should also be an offence, along with any subsequent online harassment.
- There is a binding duty on the NI Secretary of State 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. Failure to provide safe access zones may constitute further human rights breaches as this could make lawful abortion prohibited in practice. I refer to ECHR decisions where abortion is ostensibly lawful but access is prohibited in practice (for example, by health professionals, structures or unclear information).
- Clinic protests are a barrier to accessing lawful abortion care as they create an intimidating environment where a patient's safety is not guaranteed. Whilst I fully respect the protesters' right to hold different views, the impact of the way they chose to express those views (their behavior, language, and materials) can have a detrimental impact on the mental health of those accessing lawful abortion services. Their presence may be 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.