

**Precious Life Submission
to the ‘Call for Evidence’
on Abortion Services (Safe Access Zones) Bill**

9th November 2021

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Many, who claim a long history of upholding freedom of assembly, expression, and religious belief, are in a rage to remove these basic pillars of democratic society from you and me. These freedoms are frequently amongst the prime targets of authoritarian or populist governments and are routinely denied in many countries across the world. They also have a particular resonance in Northern Ireland.

Uncertainty

1. This is an area where legal certainty has by no means been absolute – where to “*draw the line*” between protected freedom of speech - even when offensive - and prohibited hate speech is not always clear. Human Rights groups have made it their priority to contribute to legal clarity in this area. To this end, we make our response to the current public consultation on the Abortion Services (Safe Access Zones) Bill.
2. Abortion was decriminalised in Northern Ireland on 21st October 2019 and in March 2020 the government published the new framework for the provision of abortion ‘services’. As of October 2021, the Department for Health has not centrally commissioned these abortion ‘services’, citing the need for Executive approval. Despite this, there have been over 2000 abortions in Northern Ireland in the past 18 months.

Background

3. For decades, there have been peaceful protests, and groups offering alternatives outside premises providing services relating to abortion here. Crucially, those taking part have been predominately women.
4. It is obvious that abortion remains a contested and sensitive issue in Northern Ireland. It is equally clear 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 against it. Significantly, neither Westminster nor the Dail have introduced such legislation.

Evidence

5. In respect of Abortion Services (Safe Access Zones) Bill, there has been no review of any evidence for such measures to be introduced in Northern Ireland. For example, no consideration has been given to any evidence of women who have been helped by those offering alternatives to abortions outside healthcare facilities. No statistics have been produced in support of the allegation that persons accessing premises providing

abortion services have been influenced, harassed, alarmed, or distressed since abortion was de-criminalised on 21st October 2019.

6. What is often forgotten is that prior to that date, anyone from either the Marie Stopes escort group or the Stop Marie Stopes Campaign had an arguable statutory defence against in law against Harassment in terms of “*preventing or detecting crime.*” (Please see The Protection from Harassment (Northern Ireland) Order 1997(3)(1)(a).

Protection

7. The proposed legislation would create two legal concepts: “*protected premises*” and “*protected persons*”. The first refers to a building that offers abortion services. The second refers to those accessing the abortion related service or anyone accompanying the woman at her invitation. Anyone working in or providing services to the premises would also be regarded as a protected person. The bill would make it an offence for any member of the public to gather in an otherwise public space, outside any designated protected premises, if that gathering may have the effect of “*preventing or impeding access to the premises or influencing, harassing, alarming or distressing persons accessing the premises*” as stipulated in clause 1 of the bill.

Assumptions

8. The name and framing of the bill are designed to imply that there is an issue of safety when accessing healthcare facilities. However there has been no review to consider any such evidence. Many people very strongly oppose the morality and/or legality of such abortion services. However, 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.
9. The aim of the 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 legal activities within the scope of this bill.
10. 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 to be deemed ‘unsafe’ or ‘criminal’ simply because they are considered unwelcome or unpopular.

Freedoms

11. 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.
12. We share the concern 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 or may not contravene existing criminal law.

13. The contents of the bill state that it would be a criminal offence if someone was to 'influence' the protected person, whether 'directly or indirectly'. It's worth noting 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.
14. For example, would influencing someone include offering a leaflet or even 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.

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