

# Abortion clinic protest activity

Submission to the Home  
Office Police Powers Unit

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## Our position

Protests are worse than 2018, there are more groups targeting more clinics, more than 100,000 women nationwide and 2/3rds of the clients BPAS treats have to attend a clinic targeted by protesters each year, and despite two years of work with local councils and police to protect abortion clients, existing law does not address the issues raised.

We desperately need new legislation to introduce buffer zones around all clinics, places that provide abortions, and Pregnancy Advice Bureaux in England and Wales.

## About BPAS

The British Pregnancy Advisory Service is the largest abortion provider in the UK. We operate 61 clinics in Great Britain, through which we provide pregnancy counselling, abortion care, miscarriage management, contraception and STI testing to 100,000 women each year.

BPAS also runs the Back Off Campaign – a coalition of organisations which work to put a stop to anti-abortion activity that takes place immediately outside clinics. As part of this work, we maintain a database of accounts and experiences of abortion clinic protests.

## Introduction to clinic activity

Anti-abortion clinic activity refers to activity undertaken outside abortion clinics which seeks to dissuade women from accessing abortion services. This activity has been a part of abortion care for years – but has, since 2014, increased in size, frequency, and intensity.

Except where mentioned specifically, throughout this document the activity we refer to is anti-abortion rather than pro-choice activity. Anti-abortion activity makes up the vast majority of activity outside our clinics – and we are very clear with pro-choice groups that we do not encourage their presence owing to the distress caused to our clients by the presence of anybody, regardless of ideological persuasion, outside the clinic gate.

As a result, there is no routine presence of pro-choice groups outside any of our affected clinics during opening hours. Despite sharing the same information and concerns with anti-abortion groups, there has been no change to their tactics.

## ‘Protests’ vs ‘activity’

Although ‘protest’ is an easy shorthand for the activity outside clinics, it is important to recognise that the people engaged in this activity do not consider what they are doing a protest. They do not believe they are protesting a political or democratic decision or trying to change the law. Their presence outside clinics is variously referred to as a ‘vigil’, ‘bearing witness’, ‘education’, or ‘pavement counselling’.

This is not a protest. This is a conscious decision to continue to undertake actions that these groups have been repeatedly informed are distressing and being perceived as harassment in order to intimidate women into changing their minds about a personal healthcare decision.

## Database of accounts

BPAS’s database of abortion clinic activity currently includes 2700 accounts. 1100 of these have been received since the Home Office’s last consultation closed in February 2018.

The database can be accessed, filtered, and exported at [www.back-off.org/HOevidence](http://www.back-off.org/HOevidence)

Although the database contents do generally reflect the balance of activity between clinics, it should be treated as indicative rather than exhaustive – only a small proportion of clients affected are willing to share their experiences when asked.

## Healthcare facilities that have experienced protest activity

### *Clients, not clinics*

Abortion as a healthcare service can be provided in any NHS hospital, or in premises specifically licensed for the purpose by the Secretary of State for Health and Social Care (or the Minister for Health in Wales). However, abortions are not provided equally across sites – out of the 360 hospitals and clinics licensed to provide abortions, 143 provide fewer than 2 abortions a week in 2019. By contract, the largest BPAS clinic treated 110 women a week.

As a result, simply counting the number of healthcare facilities affected does not provide the full picture of the impact of clinic protests.

In 2019, the 42 clinics targeted by protests cared for more than 100,000 women.

See [Appendix 1](#) below for full clinic figures.

### *BPAS clinics*

Since the closing of the last Home Office consultation period in February 2018, 24 BPAS clinics in England and Wales have been targeted by protests. At the time of the last consultation, this figure was 18.

11 of these 24 protests are new and did not exist at the time of the last Home Office consultation. (5 protests dissipated in 2017/2018.)

In 2019, these 24 clinics provided 54,195 abortions – 2/3rds of the abortion procedures provided by BPAS.

### *Clinics across England and Wales*

As part of our Back Off work, we collect reports from clinics, hospitals, and individuals from around the country – not just related to BPAS clinics.

Since the closing of the last Home Office consultation period in February 2018, in total, including BPAS sites, 42 hospitals and clinics in England and Wales have been targeted by protests – an increase of 20%. In 2019, just over half of all abortion procedures took place in clinics targeted by anti-abortion protests.

Because larger, busier clinics are more heavily protested than smaller clinics, 1 in 4 women who had an abortion in 2019 attended a site that experienced daily or weekly protests.

## Locations of affected facilities

A full list of clinics we are aware have been affected since February 2018, along with the type of activity experienced, is included as [Appendix 2](#) to this document.

There are affected facilities in every one of England's nine regions, and in Wales.

Region	No. of clinics affected
East of England	6
East Midlands	3
London	7
North East	1
North West	4
South East	8
South West	6
West Midlands	3
Yorkshire and the Humber	3
Wales	1

## Proximity of protests

Proximity of protesters to affected facilities varies dependent on the protest involved, the historic involvement of the council or police in engaging with protesters, and the location of the clinic.

In general, protesters are present immediately outside the clinic gate and/or on the opposite side of the road facing the entrance. This means that clients must walk immediately past protesters to access the clinic entrance. Groups often divide up, with a couple of individuals 'patrolling' up and down the road by the entrance, with a further stationary presence on the other side of the road.

For hospitals and clinics based in hospitals such as BPAS Portsmouth, protesters gather at the entrance to the hospital – or occasionally in hospital car parks/near bus stops.

The closest a protester has been is physically inside the clinic, as in BPAS Luton in February 2020:

*He got in, pretending to be a client's partner, and tried to talk to people about how abortion was a sin, thankfully no clients in waiting room ... He was very incensed though, compared to other protesters that we have had before." – Treatment Unit Manager, BPAS Luton*

Or as in an attempt in BPAS Bournemouth in March 2019:

*"A protester came into clinic porch requesting to use the toilet. I asked if she was here for treatment and she stated she was with a friend who was having treatment. She was unable to give her friend's name and when asked if she was a protester said "yes"."*

We are also aware of at least one instance in a Marie Stopes clinic (not on the list included as part of this submission as no individual was observed) where anti-abortion materials were left in the waiting room of the host GP practice.

Although this particular occurrence is rare (it was also reported prior to 2018, including one instance of surreptitiously filming inside the clinic), its occurrence results in all clinics being forced to operate a strict buzz-in system, requiring clients and visitors to identify themselves before entering and only being allowed in if expected, which requires a full-time staff presence to monitor the door.

The onus to provide this protection for clients has been placed on abortion providers as a result of a lack of control of protesters outside.



BPAS Eastbourne (with entrance to left), May 2019



BPAS Streatham (from clinic entrance), Nov 2019

## Number of individuals

Protests vary in size between clinics but also between different days or types of protest at individual clinics.

An 'ordinary' size protest may be expected to consist of three to five people – but in the last two years, the smallest protest we have seen is one individual, and the largest circa 45 people (at BPAS Finsbury Park in January 2020).

The size of the protest does not, however, always correspond to the distress caused to clients – particularly where a small number of clients are particularly disruptive, use loudspeakers, carry cameras, or shout terms like 'murderer' at women (as with the 2019 protest outside BPAS Birmingham South, which generally consisted of two men, or the ongoing protest outside BPAS Taunton, which broadly consists of one preacher and his wife or a fellow church member).

Because of the location of the protesters in relation to clinics, a comparatively small number of protesters does not mean that clients are able to avoid encountering the protesters – or to avoid being approached, spoken to, followed, observed, or filmed. The vast majority of accounts we have received from clients refer primarily to their encounter with a single protester – often the one closest to the gate. The fact there is only one of them at that particular point does not lessen the impact of their activity.



*Lister Hospital Stevenage, March 2020*



*BPAS Brighton, January 2020*



*BPAS Finsbury Park, January 2020*

## Group affiliation

Affiliation depends on protest. Some clinics are affected by multiple disparate groups – for example BPAS Bournemouth which has had 8 different protest groups/unaffiliated individuals since the last consultation. Different groups have different tactics, and thus a

differing impact on clients, staff, and the local area (although no presence or activity has a positive impact).

#### *40 Days for Life*

Texas-founded franchise operation that runs two sets of protest a year – 40 days during Lent, and 40 days in the autumn (roughly mid-September – early November). Public focus on ‘prayer vigils’ with 40 Days for Life merchandise branded ‘Pray to end abortion’. Generally aim for a 12-hour presence outside clinics every day they’re open.

Presence varies around the country depending on how long they’ve been there, local police or council involvement, and who runs the group. Their activity usually includes prayer and boards, often approaching women on the street, candlelit vigils, some following of women and/or altercations.

Examples – BPAS Bournemouth, Marie Stopes Manchester, BPAS Birmingham South

[www.40daysforlife.com](http://www.40daysforlife.com)

#### *Good Counsel Network*

London-based group funded by the Our Lady of Good Counsel charity. Family operated by Clare McCullough. Previously present daily outside Marie Stopes West London and BPAS Richmond clinics, now outside Marie Stopes Central London.

The group focuses on ‘pavement counselling’ – following women along the road, handing out rosaries and miraculous medals, and leaflets with false medical information e.g. about abortion causing breast cancer. They try and encourage women to go to their ‘crisis pregnancy centre’ where women are also given false medical information about abortion (as per Channel 4 Dispatches ‘Britain’s Abortion Extremists’). The phone number for the centre is present on many materials nationwide used by many local church groups.

Examples – Marie Stopes West London, BPAS Richmond, Marie Stopes Central London

[www.goodcounselnet.co.uk](http://www.goodcounselnet.co.uk)

#### *Helpers of God’s Precious Infants*

International, New York-founded organisation which is primarily Catholic church-based. Because of recruitment methods, members skew older, and they tend to be present where clinics have had long-term protest issues.

Some weekly ‘vigils’ with leaflets and rosaries accompanied by prayer. Larger number of 6-monthly marches from a local church which culminate outside a clinic with loudspeakers, singing and prayer for a couple of hours. Recently been about 30-40 people who will line up along the pavement opposite the clinic, with some dressed as monks.

Examples – BPAS Streatham, BPAS Finsbury Park, Marie Stopes Essex

[www.helpersuk.org](http://www.helpersuk.org)

#### *Centre for Bio-ethical Reform*

Recently renamed from Abort67. Ostensibly ‘secular’ but evangelical organisation founded by members of the Jubilee Community Church in Worthing in the image of the Center for Bio-ethical Reform, a US anti-abortion group. They use oversized posters of dismembered fetuses, wear bodycams, and focus on the idea of providing a ‘scientific’ view opposed to abortion. Have live-streamed from abortion clinics, and routinely use US materials.

With the rebrand, have broadly moved away from protesting outside clinics, but they are still

present several times a year in Eastbourne, and regularly in Brighton (under the guise of Post-Abortive Support for Everyone).

Examples – BPAS Eastbourne, BPAS Brighton

[www.cbuk.org](http://www.cbuk.org)

### *Evangelical church groups*

Since 2018, we have seen an increase in disparate groups associated with local evangelical churches. Evangelical groups tend to present as younger men, generally in a street preacher guise with voice amplification, A-frames, and body cams.

Generally use Centre for Bio-Ethical Reform leaflets, and do not engage in ‘pavement counselling’ – preferring instead to quote scripture and call women and staff ‘murderers’. Usually appears to be some form of online radicalisation, with predominant approaches based on outdated, American procedures for termination of pregnancy.

Examples include Michael Overd (BPAS Taunton), Spirit of Life Church (Marie Stopes Bristol), Jeremiah Cry Ministries/1:16 Church (BPAS Birmingham South)

### *Roman Catholic church groups*

Many areas have small local church groups that are not generally affiliated with any of the larger groups, but which do often use leaflets and signs that advertise particularly Good Counsel Network telephone numbers/messaging.

Because there is no uniting factor, their methods differ. Some areas have nuns and priests who will turn up a few times a week to pray the rosary, some have small groups who will attend on a regular basis. These vary from prayer to telling women (BPAS Bournemouth) ‘that’s the lorry they take the dead babies away in’ and trying to waylay delivery drivers, and to telling women (BPAS Leicester) that abortion medication will kill them.

### *Frequency of protests*

Frequency varies by protest and clinic – with some clinics impacted more regularly as a result of different groups. The most common frequencies for affected clinics are:

Frequency	No. of clinic affected
Daily	2
Weekly	16
40 Days	9
Monthly	2
Irregular/sporadic	9
One-off	2

Speaking to Unit Managers, the point that is made repeatedly is that although frequency impacts staff and the overall picture, for individual clients it makes no difference whether this is a daily protest or a one-off, as they only attend once. The harassment, alarm, and distress to that woman occurs regardless of the frequency of the protest.

### *Duration during the day*

The majority of protests last somewhere between 1 and 4 hours on any given day – often being present for the morning, or during school hours.

Large Helpers of God’s Precious Infants protests tend to be advertised for a specific time in advance (mass at church, a march to the clinic, ‘vigil’ time, marching back to the church – with around 90 minutes to 2 hours outside the clinic.



40 Days for Life has a public aim of being present outside clinics from 7am to 7pm – and we are aware (e.g. in BPAS Bournemouth) that protesters are also present when the clinic is not open and take the opportunity to come onto our property and leave items.

All other groups rely on local arrangements to determine duration, and it is usually something that clinic staff learn from either watching protesters, or on the complaints received by clients.

### Activities undertaken

Activities vary based on the type of group present, and the local nature of the protest. However, there is no activity that is unnoticed by clients. Because of the nature of a confidential medical procedure and the societal stigma tied to abortion, as well as the presence of girls under the age of 18 or with other vulnerabilities, 'standing and staring' is experienced just as negatively as approaches, posters, or loudspeakers.

- **Approaching clients** – present in almost all abortion clinic protests. Protesters approach clients as they are entering or leaving the clinic, attempting to waylay them and tell them their opinions on abortion to deter or dissuade women from accessing services.
- **Leaflets** – These vary by organisation. On the one hand are leaflets that purport to be grounded in the 'science of abortion' such as those produced by CBR-UK with pictures of dismembered fetuses on the inside pages, and information about foetal development. On the other hand are leaflets that focus on the purported 'impact of abortion', which often promote 'services' such as the Good Counsel Network or the Abortion Recovery and Care Helpline, and provide false information such as "Some psychological effects of abortion...damage to maternal instinct, feeling incapable of motherhood, hostility" and "9 out of 10 relationships break up after abortion". Other leaflets say that abortion causes breast cancer, eating disorders, depression, and suicidal thoughts. BPAS have copies of these leaflets on file.
- **Posters** – Most groups have some form of placard or poster. These vary in content. At one end of the scale, CBR-UK display 15ft banners of dismembered fetuses, at the other, 40 Days for Life have A1-sized 'Pray to End Abortion' signs. Most groups fall somewhere in between, and a lot of protesters bring their own regardless of the group they are officially there with, and these vary from pictures of the Virgin Mary to bible verses to posters of developing fetuses.
- **Distressing communication** – Some examples of the language used in protests include telling women that abortion is 'murder', or they are a 'murderer', telling women they are 'doomed', or that their 'baby' won't get into heaven. Protesters are also reported to wait until women are isolated before they approach them, increasing their distress.
- **'Prayer vigils'** – gatherings of groups in prayer – either silent or aloud, often with the use of rosaries and efforts to distribute pink and blue rosaries to clients. The mainstay of a number of groups but most noticeable as part of 40 Days For Life and large HOGPI marches/'vigils'.
- **Singing** – Some groups are known to sign hymns, often loud enough to be heard inside the clinic, sometimes with amplification equipment. This forms part of the daily vigil and can persist over a number of days.

- **Filming** – Largely the preserve of evangelical groups who use bodycams during most activity. Also reports from Catholic ‘vigils’ of phone cameras being used, particularly on passers-by and local residents who query what is happening.
- **Following clients and staff for a distance** – Some groups are reported to follow staff and clients as they enter and leave the clinic. This usually happens in groups that have been in place for longer and who have not, thus far, been challenged by the local council or police.
- **Marches** – In conjunction with a local church, some groups organise marches that culminate outside a clinic. This has happened in the last year in a number of different areas, and numbers are usually around 30-40.
- **Spreading holy water** – A number of areas report protesters spreading holy water around the clinic and on the pathway.

### Details of individuals affected

BPAS provides every client or escort who experience anti-abortion activity with the opportunity share their experience with us – with the optional ability to share their name and contact details. The majority of people who opt to share their experience choose not to share their name or contact details – however, we do have contact details for several hundred clients from different clinics. Several of these have provided statements and further information to councils as part of their work on addressing these issues – notably Richmond-upon-Thames Council, and Bournemouth, Christchurch and Poole Council. However, in areas where we ask, at the clinic, whether clients want to provide a statement to the police, the answer is overwhelmingly ‘no’.

The main issue for women we treat sharing their information is that they are accessing a confidential medical service, which carries with it a degree of stigma and which they may not have told their friends or family about. The last thing these clients want is to be required to give a statement to police, have their name shared with protesters, or face being cross-examined in Court.

Requiring a woman to ‘out’ her medical history and demonstrate her alarm and distress in order to address protest issues which we know exist is an unacceptable infringement of her rights.

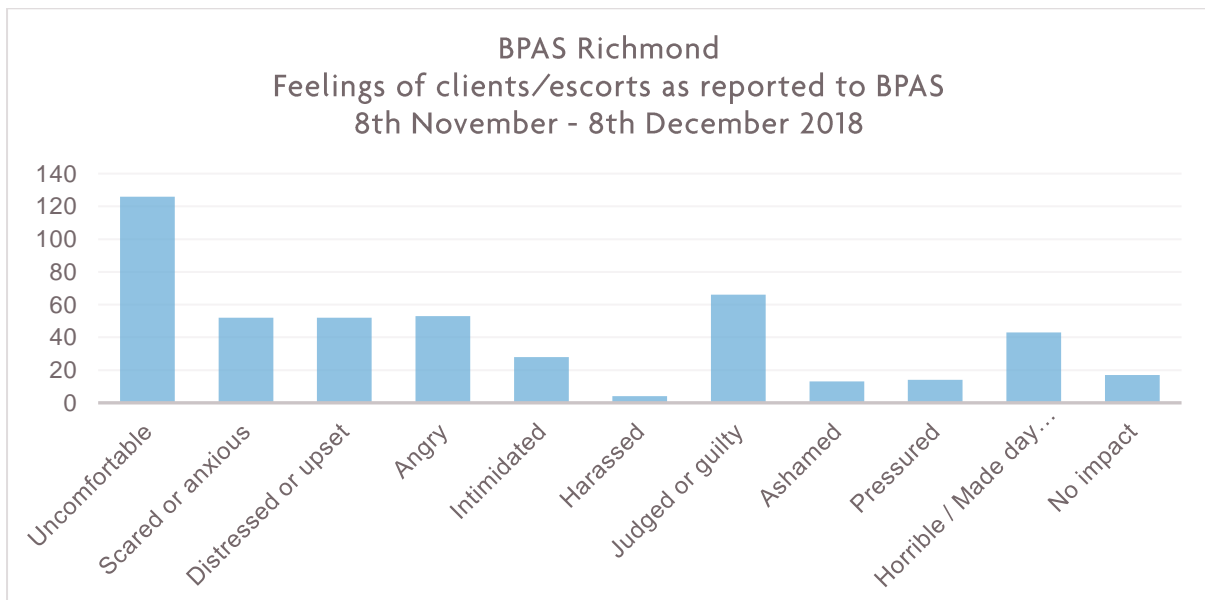
### How many women have been negatively affected?

In 2019, more than 100,000 women were required to attend an abortion clinic targeted by protesters. Because of contracting arrangements and the relatively small number of dedicated abortion clinics, the majority of these women will have no option but to attend a clinic with a protest.

Roughly 1 in 4 women will attend a clinic that has weekly or daily protests – making them likely to encounter protesters.

Since February 2018, BPAS has received 1100 further accounts and experiences of anti-abortion activity outside 31 different clinics. The vast majority of these clinics have an indicative rather than exhaustive number of comments.

The one exception is BPAS Richmond. During the statutory consultation on introducing a PSPO around the clinic, we asked every client who attended the service whether they wanted to share their experience of the activity outside. In one month, we received 323 accounts from women of the experiences they had had outside the clinic.



### Specific impact of protests

It is important to remember that it is not just clients who are negatively impacted by protesters. Doctors, nurses, midwives, and other staff are forced to come to work past protests a matter of routine – where they often report being targeted by the protesters.

In women and staff's own words, as a selection of relatively routine accounts, the specific impact of protests includes:

#### Compromising client care

Date	Clinic	Reported by	Account
03/2020	BPAS Swindon	BPAS staff	Client arrived for same-day treatment. Advised there was a man outside who said "Don't do it, it's a baby." She ignored him but ending up leaving after consultation without treatment. She lived quite far away, had a medical reason to terminate, and had been very sure of her decision. She ended up coming back the following day for treatment.

02/2020	BPAS Taunton	BPAS staff	The young client had been so upset and distressed that she ran back over towards her Mum's car... Her Mum walked her back over and the girl who was wearing a black hoodie had pulled the hood all around her head and face to hide away and was crying hysterically and visibly shaken... The client in question didn't have her surgical treatment as planned that day, she was too distressed. <u>Rebooked for BPAS Bournemouth, 75 miles away, as scared of protester [also has protest issue].</u>
03/2019	BPAS Birmingham South	BPAS staff	Just to let you know the protesters are here today. They upset a client who has now changed her mind and we have significant concerns about her... The client had taken medication for prep before treatment [mifepristone prior to surgical termination] therefore is at risk of miscarrying and therefore going through the process at home.
12/2018	BPAS Richmond	Client	I haven't stopped crying since I came in. I was upset and scared anyway, and this nearly made me turn around and go home.
10/2018	BPAS Bournemouth	BPAS staff	Car with disabled badge parked in disabled space in Clinic car park. Protester came onto the premises and put head through rear car door and spoke to client, handed her a leaflet. Left premises then shortly afterwards ran back into our car park, opened the car door and put her head inside and spoke to client again. Client very upset and cancelled treatment for today - rebooked for next week.

### Distress

Date	Clinic	Reported by	Account
09/2019	Marie Stopes Leeds	Client	They were waiting outside the entrance to the centre, holding signs of fetuses and horrible language about being a killer. It made me really angry and upset. I drove myself to my appointment and had to turn in to the car park with them watching me. I wanted to get out of my car and shout at them! It made me feel violated and unsafe.
08/2019	BPAS Taunton	Healthcare worker	Leaving work on Saturday, accompanied by daughter and 6-year old grandson. Verbally abused by street preacher across the road who had set up a box and loudspeaker. I was in ordinary clothes with my uniform draped over my arm and he shouted across the road calling me 'a baby killer'.
02/2019	BPAS Birmingham South	Escort	They were handing out leaflets. Shouting at myself and my daughter about there are other options and that they would adopt the baby and give it life. Walked with us as we entered

			the premises. Shouting at us. Made my daughter very upset in what was already extremely challenging circumstances. Made my daughter feel very intimidated and very tearful.
10/2018	BPAS Bournemouth	Client	Approached me at the corner of Ophir Road (1 of 3 women) and gave me a leaflet saying it could be useful to whoever I was I was waiting for. Then pointed to a lorry telling me 'that's the truck they take the dead babies away in'

### *Fear and intimidation*

Date	Clinic	Reported by	Account
06/2020	BPAS Swindon	Client	He was standing by the entrance questioning where you were going and making comments about the clinic. I was scared.
03/2020	BPAS Taunton	Client	Protesters stood opposite filming people entering/leaving the clinic. Large banners lining the area. Extremely vocal and aggressive to passers-by. I was angry and intimidated. Thoughts of such a private decision being filmed is horrendous.
07/2019	BPAS Bournemouth	Client	Approaching me, not accepting a 'no', intimidating me, not going away when I asked them to. I was extremely scared and I panicked.
03/2019	BPAS Cardiff	Client	Intimidated, worthless, like I should have no autonomy

### *Guilt, shame, and pressure to change their minds*

Date	Clinic	Reported by	Account
11/2019	BPAS Brighton	Client	She told me I was a murderer and killing my baby. She then showed me pictures of what it'll look like in a leaflet then said the drugs weren't safe and brought religion into it. It made me feel uncomfortable as I'm only 17 and with my friend. I could see how this could be traumatising. She also tried to make me feel guilty about it.
03/2019	BPAS Bournemouth	Client	3 priests kneeling outside praying and watching people going in. Made me feel very intimidated to the point where I asked my escort if there was a different way in. I felt very upset by this and guilty about me decision, however this decision was best for me.
02/2019	BPAS Birmingham South	Client	They gave me a leaflet about murder and said are you a patient here. I said yes, he said do you think it's right killing a precious baby, I said I don't want to hear this. He said have you thought about adoption I said no. He said you're murdering a baby. I walked away.
12/2018	BPAS Brighton	Client	She was a lone woman, who approached me

			and my boyfriend as we were walking in to the clinic. At first she handed me some chocolate and asked me if I was going in to the clinic. Initially I was very confused so I answered a naive “yes, why?”. She then asked me not to have an abortion and told me she had had one herself and regretted it. she tried to hand me a pin badge of what a “baby’s” feet look like at 10 weeks, I tried to hand her back the chocolate but she would not accept it so I threw it on the floor. She kept begging me not to go through with it, following me almost the whole way to the front door. She called me a child murderer and asked my boyfriend how he could support my decision.
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#### *Aversion to passing the protesters to access care*

Clinics where protests happen sporadically report to us that on days with protesters there, the proportion of women not showing up for appointments increases. For instance, at BPAS Leicester City on one day the DNA rate increased from 4-5% to 50%, and on the day of the largest recent protest at BPAS Finsbury Park in January 2020, out of a list of 19 clients, 8 did not present for care (compared to 1 or 2 as standard).

Date	Clinic	Reported by	Account
03/2019	BPAS Bournemouth	Client	As soon as we pulled up it made me anxious right away. I was scared to get out of the car because of them. It felt intimidating.
10/2018	BPAS Bournemouth	Client	I had to leave the clinic out of a different door because I was afraid of walking past them as I was alone and quite fragile. I don't think I would have been able to handle being approached, and I feel so sorry for anyone who has had this happen to them.
03/2018	BPAS London East	Client	They were standing across the road watching the clinic, praying aloud, and holding signs. It made me incredibly upset, intimidated and embarrassed. We had to walk down the road and prepare ourselves and then come back.
02/2018	BPAS Doncaster	Client	They were standing with signs. I wanted to turn around and walk away, felt really intimidated.

#### *Long-term impact*

The comments provided here were submitted after the closing of the last consultation but took place years previously. They demonstrate that the impact of such anti-abortion activity at the clinic gate lasts long beyond the initial confrontation with protesters.

Date	Clinic	Reported by	Account
12/2014	BPAS London East	Client	Waiting outside the door and asked me not to go inside. I ignored her (there was only a few of them) and she screamed at me, becoming increasingly shrill, MADAM NO! I think she had leaflets but more memorably she had a

			giant crucifix around her neck. It was already a fraught time – some of the darkest days of my life, I felt suicidal – and that didn't help
2013	Marie Stopes West London	Client	I was nineteen I was crying I was on my own I was raped I was on my way to have a termination They didn't care about me They didn't care about the real person in front of them They didn't care about what had happened to me They just yelled things, the same things that I had been yelling to myself for weeks I didn't need a stranger to tell me I was a terrible person I needed a stranger to be kind, and, these protesters were unkind. I attempted suicide two weeks later.
2004	London clinic	Client	Waving large placards with distressing pictures of embryos in the womb and aborted materials, coming right up to me within a 30cm of my face and shouting that my child would be beautiful, would have beautiful eyes, that I should think about that, that they would help me to keep it or have it adopted, that I should think about what I am doing, and hell... The protest was so distressing to me that it has stayed with me for 16 years – I was a 16 yr old girl at the time and to date I remember their faces and all of it as if it was yesterday
2000	Stoke	Client	I had had a natural miscarriage and needed to check the products of conception had all gone naturally, so went for a scan. Outside the clinic I was called a murdering bitch. I had a breakdown and attempted suicide.
1997	Marie Stopes Essex	Client	Group of men, waving illustrated banners and shouting abuse, including "murdering cunt". I got the clinic to call the police, who said the protestors "all" had criminal records. One officer said it was a pity I couldn't identify the person who'd called me a murdering cunt as he could have been arrested.

### The need for further action

After many years of experience working with local councils, police forces, and clinics, BPAS is clear that the only way to effectively address the issues covered in this briefing is with the introduction of new legislation to bring in buffer zones – areas where certain activity is banned – 150m around the entrance to clinics.

#### *Failure of the current law*

There is no solution under the current law which has been able to stop the activities and

impact related to clinic protests. The variability in enforcement, eagerness to act, and tactics of protesters mean there is no law which is applicable to all instances of activity which causes harassment, alarm, or distress.

The following examples make clear the shortcomings of existing law in adequately dealing with clinic protests.

- **Part 4, Chapter 2, Anti-Social Behaviour, Crime and Policing Act 2014 (used).** Public Spaces Protection Orders are the only tool that has been successfully used at a local level to stop clinic activity. However, out of the 42 clinics that have been impacted in the last two years, only two have a PSPO in place (Marie Stopes West London and BPAS Richmond). The issues with PSPOs are threefold –

  - Patchwork. They create a patchwork approach to enforcement in which activity is banned at one clinic, but completely legal at the next clinic down the road. As we know that protesters visit different clinics, there is a high risk of displacing the problem.
  - High evidence bar. Despite the negative impact of protests, not many have the same level of evidence of persistence and detrimental effect as was available to two clinics in residential areas of London with high degrees of community involvement. As a rough guide, based on the work we have done with councils and in support of legal cases on PSPOs, we would estimate that only 5 clinics would meet the evidence bar for a successful PSPO – not because there is no detrimental effect, but because of the high degree of persistence and community involvement needed for success.
  - Costs to the council. We are aware that Ealing council has spent over £200,000 on their PSPO, with the expectation this will increase significantly if it is picked up for a hearing by the ECHR. Anti-abortion groups are well-funded and aware that this activity is essential to their continued existence – and will seek to challenge every decision they can. As such, councils are likely to be temperate about pursuing such a case.
- **Part 4, Chapter 1, Anti-Social Behaviour, Crime and Policing Act 2014 (used).** A CPN was successfully used against two individuals who started protesting outside BPAS Birmingham South in early 2019. For several months afterwards, there were no protests outside the clinic. However, there is now a new protest group there with significantly more people, ill-suited to a CPN or CPW. The initial group were a standalone church group, and the new group is part of an international group, and we would expect them to challenge any action by the council.
- **S5 Public Order Act 1986 (used).** Has been used twice. Most recently in Manchester, where a member of a regular protest group pleaded guilty and was given a 12-month restraining order. The group she is a part of continues to protest the clinic, and her restraining order expires in two months, at which point she will be free to re-commence her activities. Previously two Abort67 activists were prosecuted under this section in relation to one of their signs of dismembered foetuses which they were displaying outside the BPAS Brighton clinic. They were acquitted as the judge ruled that although he believed harassment, alarm, or distress had been caused, the signs had not been threatening, abusive, or insulting. Police were sued for wrongful arrest and paid £40,000 compensation.
- **Part 1, Anti-Social Behaviour, Crime and Policing Act 2014 (used).** In a case with



current reporting restrictions, one police force has obtained an interim injunction against an individual protester outside an abortion clinic in England. This has not yet been upheld in full (court hearing is in October 2020), and the interim injunction solely requires that the protester does not use amplification equipment or use the word ‘murderer’ within 60 yards of the clinic. It does not prevent their attendance, any other aspects of their protest, or use of synonyms such as ‘baby killer’. A previous attempt to use this provision was refused in Nottingham in 2018.

- **Civil injunction (considered).** 24 BPAS clinics have been impacted in the last two years alone, and BPAS has neither the means nor the desire to spend NHS money on pursuing a civil injunction for each and every clinic. It is our opinion that a civil remedy for this persistent and widespread issue is insufficient and incorrectly places the right of women to access healthcare unimpeded as the responsibility of a provider rather than the government. Articles 8 and 14 of the European Convention on Human Rights, and s149 of the Equality Act 2010 all indicate that the state has the responsibility to ensure women are able to access healthcare without discrimination, harassment, or victimisation. A reliance on civil injunctions would be a reliance on independent providers to mitigate this responsibility.
- **S14 Public Order Act 1986 (used).** In 2014, police officers in Richmond issued Good Counsel Network employees and volunteers with a Section 14 notice indicating that they considered the group posed a ‘serious risk of disruption to the life of the community’. The Metropolitan Police reviewed the issuing of these notices and concluded that they had been issued incorrectly.
- **S1, Protection from Harassment Act 1997 (considered).** This requires victims to report harassment to the police and if they wish to pursue a prosecution, to be willing to give evidence in court which would require disclosing their confidential medical records. In any event, the outcome would only affect an individual perpetrator and not the wider group to which they belonged.
- **Part 3, Anti-social Behaviour, Crime and Policing Act 2014 (considered).** Part 3 of this Act provides police with dispersal powers in public places to disperse individuals or groups who are causing harassment, alarm or distress. The issues with this are two-fold – firstly that the powers only last a maximum of 48 hours and these groups are often present for more prolonged periods so will simply return once the order has expired; and secondly that it requires an Inspector-level police officer to confidently judge the balance the freedoms from harassment and of expression.
- **S61 and S68 of the Criminal Justice and Public Order Act 1994 (considered).** It was concluded that trespass takes place only in very isolated circumstances and would not address the vast majority of protest activity.

### *National problem*

As made clear in the evidence supplied in this paper, clinic protests are a national problem. They are not isolated, they are not small, and they are not easily dispensed with. Their impact is very real and is caused by religious extremists attempting to deny women their legal right to abortion care.

Leaving this problem up to local councils or police forces is to misunderstand the systematic nature of the issue, including national and international co-operation, learning, and radicalisation of groups - and to leave tens of thousands of women open to harassment.

Clinic protests are a national problem in need of a national solution.

### *Women's Article 8 rights*

The previous Home office consultation papers strongly focused on the Article 9, 10, and 11 rights of anti-abortion protesters – but made no mention of the Article 8 rights of women to make decisions about their healthcare within the law and access healthcare confidentially and without fear of harassment, alarm, or distress.

L Turner in *Dulgheriu v London Borough of Ealing* found that –

“I am satisfied that their rights to a private life were engaged. Their position is very different to the person who walks down a public street knowing that they will inevitably be casually observed by others. In particular, **women of reproductive age who are entering the Centre are quite likely to be going there in order to have an abortion.** Those leaving may well have undergone an abortion. They thereby become objects of attention not as ordinary members of the public but as women in the early stages of pregnancy who are considering the prospect of an abortion or who have just had an abortion. The fact of being pregnant is often, in itself, one that a mother reasonably wishes to be kept private, to a greater or lesser extent, in the early stages. The fact that one is considering, or has undergone, an abortion is, if anything, likely to be an even more intensely private affair for many women and their partners. **To be the focus of open public attention, often at the very moment when sensitivities are at their highest, is an invasion of privacy even when it occurs in a public place.**”





The Court of Appeal's ruling on the same case found that –

“The decision of a woman whether or not to have an abortion is an intensely personal and sensitive matter. **There is no doubt that it falls within the notion of private life within the meaning of article 8...** We consider it is clear, nevertheless, that [the protesters] engaged the article 8 rights of those visiting the Centre both from the perspective of the right to autonomy on the part of service users in wishing to carry through their decision to have an abortion and from **the reasonable desire and legitimate expectation that their visits to the Centre would not receive any more publicity than was inevitably involved in accessing and leaving the Centre across a public space and highway.**”

It is the Government's duty to balance the human rights involved in this case – and the current settlement in which protesters' Article 9, 10, and 11 rights are held above the women they target's rights, is untenable.

### *International precedent*

As detailed in our attached submission to the 2018 review, there are numerous international examples of buffer zone laws in countries such as Canada, Australia, and the USA which have been upheld by the courts. Specific examples include:

-  [Access to Abortion Services Act 1996](#) (British Columbia) – upheld by the Province's High Court.
-  [Public Health and Wellbeing Amendment \(Safe Access Zones\) Act 2015](#) (Victoria, Australia) – upheld by the High Court of Australia
-  [Article L2223-2](#) (France) of the Public Health Code
-  [Part 3, Abortion Reform Act 2019](#) (Isle of Man) as approved by the Privy Council

We recommend the Australian High Court ruling on [Clubb v Edwards and Preston v Avery \[2019\]](#) for a detailed assessment of laws functionally identical to that which we call for here.

## Appendix 1 – Affected clinic client numbers from 2019 (DHSC figures)

<b>Clinic</b>	<b>Abortions provided</b>
BPAS Birmingham Central	2,860
BPAS Birmingham South	2,603
BPAS Bournemouth	3,075
BPAS Brighton	3,149
BPAS Cardiff	985
BPAS Doncaster	3,503
BPAS Eastbourne	137
BPAS Finsbury Park	2,698
BPAS Hatfield	169
BPAS Leicester City	2,487
BPAS London East	2,759
BPAS Luton	1,972
BPAS Merseyside	4,851
BPAS Newcastle upon Tyne	1,083
BPAS Nottingham West	1,424
BPAS Oxford Central	1,614
BPAS Portsmouth	1,972
BPAS Reading	1,827
BPAS Richmond	5,790
BPAS Southampton	880
BPAS Streatham	4,644
BPAS Swindon	1,849
BPAS Taunton	1,356
BPAS York	508
Cheltenham General Hospital (St Paul's Wing)	..
Gloucestershire Royal Hospital (Hope House)	1,398
Lister Hospital (Stevenage)	308
Luton and Dunstable University Hospital	130
Marie Stopes Birmingham (Edgbaston)	5,184
Marie Stopes Bristol	2,468
Marie Stopes Central London	1,925
Marie Stopes Essex (Buckhurst Hill)	7,387
Marie Stopes Hemel Hempstead	549
Marie Stopes Leeds	2,860
Marie Stopes Maidstone	5,218
Marie Stopes Manchester	4,264
Marie Stopes Preston	783
Marie Stopes South London	7,481
Marie Stopes West London	7,077
NUPAS South Manchester	3,694
Queen's Medical Centre (University Hospital Nottingham)	48
Stoke Mandeville Hospital	26
<b>TOTAL</b>	<b>104,995</b>

## Appendix 2 – Clinics affected

### **BPAS Birmingham Central** **NEW**

June 2020, group of 6 men outside the clinic with a loudspeaker, telling passers-by that the building was an abortion clinic and that ‘they kill babies in there!’.

### **BPAS Birmingham South** **NEW** *40 Days for Life Autumn 2020*

Weekly protest began January 2019. 2 evangelical street preachers with head microphones telling women that abortion was murder and offering to adopt children. Told staff that they were murderers. Has picked up MSI Birmingham protest since BPAS won the contract.

### **BPAS Bournemouth** *40 Days for Life Autumn 2020*

Protest has been ongoing for many years – increased in intensity around 2014. Around 7 different groups present at different times. At least twice a week, rising to most days during 40 Days periods. Women told they were putting their baby in a meat grinder, told that lorries on the street were ‘there to take the dead babies away’, coming onto clinic property to harass women.

### **BPAS Brighton** *40 Days for Life Autumn 2020*

Recently had attendance from an individual woman approaching women. Previously had Abort67 protests with large and graphic posters, as well as local church groups c.2012

### **BPAS Cardiff**

Almost always on the 40 Days for Life list, with a group of people gathering outside to pray and sing with posters. Previously used to stand immediately outside the steps to the clinic and accost women who were attempting to cross to the taxi rank opposite.

### **BPAS Doncaster**

Until 2019, regular protests and 40 Days for Life presence of c.10 people at the clinic gate with posters and leaflets – also prone to following and accosting women. More recently, up to 6 protesters irregularly at the clinic gate with leaflets.

### **BPAS Eastbourne**

Local Abort67/CBR UK group with large graphic posters of dismembered fetuses immediately outside the gate to the clinic (which is based on an NHS site). Previously been once a year but reappeared out of sync late 2019.

### **BPAS Finsbury Park** **NEW**

Initial presence of 2 women outside handing out leaflets and praying in December 2019. Helpers of God’s Precious Infants march from local church (45 people) in February 2020, followed by a separate church group in following weeks.

### **BPAS Hatfield**

Couple of female protesters with rosaries present immediately outside the GP surgery where the clinic is based. On and off presence since the clinic opened.

### **BPAS Leicester** **NEW**

Started round about March 2019 – local Church group/Helpers of God’s Previous Infants with leaflets and posters, including a number for a ‘crisis pregnancy’ centre. Approached women and their partners. Disruptive to the doctor’s surgery where the clinic is based.

### **BPAS London East**

Regular presence of nuns and priests who pray the rosary outside. Every 6 months a larger protest (30-50) from a local church who kneel on the pavement opposite and pray.

### **BPAS Luton NEW**

Has been a long-time presence at Luton and Dunstable Hospital nearby but BPAS Luton had not had anybody until this year. 3-5 elderly women and 1 priest 2/3 times a month handing out leaflets and miraculous medals. 40 Days for Life presence – single protester. Separate protester claimed to be a client's escort to gain access to the clinic's waiting room in early 2020. Police called.

### **BPAS Merseyside**

Regular Saturday church group who pray and hand out leaflets.

### **BPAS Newcastle upon Tyne**

Regular c. monthly group (Helpers of God's Precious Infants) stand outside the building and pray.

### **BPAS Nottingham West NEW**

40 Days for Life protest that was previously at the Queen's Medical Centre in Nottingham (BPAS took over the contract). Group of 2 – 4 people with 40 Days signs on the main road outside the clinic.

### **BPAS Oxford**

Two groups of 5/6, attending 1/2 days per week during the summer months. One group of monks and one local anti-choice group (which was previously present outside the John Radcliffe Infirmary).

### **BPAS Portsmouth *40 Days for Life Autumn 2020***

Gosport friars (monks) and local church group who gather with signs and leaflets just off the NHS grounds on a roundabout. Last big impact was autumn 2017 when there were large marches on both sides and people entering the hospital grounds. In 2012, one of the friars and an elderly woman entered the clinic and was filming clients from under their cassocks.

### **BPAS Reading NEW *40 Days for Life Autumn 2020***

Irregular presence on the road outside the clinic, handing out leaflets against emergency contraception and abortion, approaching and talking to clients, handing out phone numbers for 'pregnancy crisis centre'. In autumn 2019, 5-10 adults with children present every day for several weeks, obscuring the entrance.

### **BPAS Richmond *BUFFER ZONE***

Daily presence until April 2019 when a buffer zone was introduced by the local council. Used to have 1 or 2 people by the gate with leaflets and rosaries, and a couple of people across the road with signs, praying. Also, plastic fetuses. A separate 6-monthly protest which was larger and involved following women, singing hymns, and displaying signs.

### **BPAS Southampton NEW *40 Days for Life Autumn 2020***

Group infrequently present by the entrance to the hospital grounds (40 Days, autumn 2019 on).

### **BPAS Streatham**

Weekly presence of 3-8, by the gates with leaflets and rosaries, and across the road praying with signs. 6-monthly procession from a local church that culminates outside the clinic. Lambeth Council has a public tool to collect experiences if people encounter protesters.

### **BPAS Swindon NEW**

One or two male protesters with graphic signs close to the clinic door, telling staff they 'have blood on their hands' and approaching clients. Not maintaining social distancing.

**BPAS Taunton NEW**

Sporadic to monthly street preacher and supporters telling women that abortion is murder and staff members that they are baby killers. Bodycam and phones to record clients. Scuffles with the public. One sexual health worker was called a baby killer in front of her 6-year old grandson.

**BPAS York NEW**

Report of two people praying outside the entrance to the doctor's surgery.

**Cheltenham General Hospital**

40 Days for Life presence for the past 4 years. Groups of around 4, with 16 actives on rotation. Same organisers as Gloucester. Outside hospital opposite a school.

**Hope House Gloucester**

Same group as Cirencester – similar activity on different days of the week.

**Lister Hospital, Stevenage**

October 2019 report of 4 female protesters in a seemingly regular presence with a Love Them Both poster, praying and chanting by the entrance.

**Luton and Dunstable Hospital**

Helpers of God's Precious Infants - 'Act of Witness' outside the hospital c.6 times a year with chanting, banners, and leaflets. Occasionally in the hospital car park.

**MS Birmingham (Edgbaston)**

Clinic now closed (change in contract). While open, daily presence of protesters, around 2-3 people who stand outside the entrance to the clinic with 6ft crucifix and large signs. Larger protests/candlelight vigils (c.40 people) multiple times a year.

**MS Bristol**

Local evangelical church weekly presence, approaching clients and saying that abortion is murder. Prior to this, infrequent attendance of Helpers of God's Precious Infants with prayer.

**MS Central London**

Daily presence of protesters by the same group as previously present in Richmond and Ealing. 1-2 protesters outside the clinic door (opens directly onto the street) and people opposite with signs. Sometimes subject to increased presence of priests on a rotating basis.

**MS Essex (Buckhurst Hill)**

Helpers of God's Precious Infants. Present with leaflets 2-3 mornings a week and with images of foetuses on Saturdays. Long-term protest since pre-2010.

**MS Hemel Hempstead**

Protesters routinely present outside the building with pictures, plastic foetuses, and holy water.

**MS Leeds**

Helpers of God's Precious Infants present every week (1-2), with an increase in numbers around religious holidays. Some are monks, there is a large crucifix, large posters of foetuses.

**MS Maidstone *40 Days for Life Autumn 2020***

Twice weekly Helpers of God's Precious Infants protests with several protesters. Six-monthly large protest from local church.

**MS Manchester** *40 Days for Life Autumn 2020*

Protesters present every Saturday morning and sometimes during the week. 40 Days for Life (5-10 people) twice a year from 7am - 7pm. Signs, plastic foetuses, approach clients, pray and scatter holy water on the path and surrounding areas. Council have been looking for a solution and now consulting on a PSPO (like Ealing and Richmond).

**MS Preston (moved premises 2020)**

Group present regularly praying, handing out leaflets, speaking to clients (Wednesday mornings), with reports of a larger group at certain times. Protest dates to 2012 when clinic opened.

**MS South London**

Monthly/infrequent presence of local church group at the clinic gate on Brixton Hill. Twice yearly larger march from nearby church culminating at the clinic with kneeling outside/stopping passers-by. Lambeth Council has a public tool to collect experiences if people encounter protesters.

**MS West London** **BUFFER ZONE**

Ealing clinic with a buffer zone in place since April 2018. Buffer zone has a zone where protests can continue with certain restrictions. Protesters are present in this zone every day. Good Counsel Network, one of the groups who previously stood outside the clinic, continue to challenge the buffer zone in court (most recently their appeal was dismissed by the Court of Appeal).

**NUPAS South Manchester**

Long-term protest immediately outside the standalone clinic in Hazel Grove. Currently has daily attendance from 2-3 people praying on the same side of the road by the gate, with boards propped against the clinic's hedge. When women approach the clinic, they start chanting loudly. Previously (prior to c.2017), had security on the gates and police presence most weeks.

**Queen's Medical Centre, Nottingham**

Long-time protest by a local group outside the QMC. 3-5 people with signs and leaflets. Council attempted to get an injunction without success. The QMC no longer provides abortion care as they lost the contract when it went out to tender. Local group has now moved to BPAS Nottingham West.

**Stoke Mandeville Hospital**

Monthly, up to weekly, gatherings outside the main hospital entrance.

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Expected protests not counted in quoted figures

**BPAS Norwich** *40 Days for Life Autumn 2020*

*Previous protest not since autumn 2017, but have advertised that 40 Days for Life will be present during autumn 2020. Last time, up to 13 people present outside the entrance to the community hospital, with boards and leaflets.*

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