



DEBATE PACK

Number CDP 2017/0217, 6 November 2017

Public order legislation relating to family planning clinics

This pack has been produced ahead of the debate to be held in Westminster Hall on Tuesday 7 November 2017 on public order legislation relating to family planning clinics. The debate will be opened by Dr Rupa Huq MP.

The House of Commons Library prepares a briefing in hard copy and/or online for most non-legislative debates in the Chamber and Westminster Hall other than half-hour debates. Debate Packs are produced quickly after the announcement of parliamentary business. They are intended to provide a summary or overview of the issue being debated and identify relevant briefings and useful documents, including press and parliamentary material. More detailed briefing can be prepared for Members on request to the Library.

Sarah Barber
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1. Public order legislation relating to family planning clinics

Concerns have been raised, both in Parliament and outside, about anti-abortion activity outside family planning clinics. Campaigners and medical organisations report that the actions of anti-abortion groups outside some clinics is intimidating and harassing women who are seeking medical treatment.¹ These reports are disputed by groups who support what they describe as a peaceful pro-life presence outside clinics.²

In October 2017, concerns about anti-abortion activity outside a local clinic were set out in a petition signed by over 3,500 local people to Ealing Council. The Council voted in favour of a motion to consider a range of options to tackle protests outside a local clinic.³

Following this, it was reported that over 100 MPs (including the leaders of the Labour party and the Liberal Democrats, co-leader of the Green party and the leader of the SNP at Westminster) signed a letter to the Home Secretary, Amber Rudd calling on her to introduce laws to provide for 'buffer zones' outside family planning clinics.⁴

[The most recent Government response](#) to a Parliamentary question on this issue, in October 2017, said that the police have a range of existing powers:

To ask Her Majesty's Government how they plan to prevent harassment and intimidation of women accessing abortion services.

This country has a proud history of allowing free speech, but the right to peaceful protest does not extend to harassment or threatening behaviour. The police have a range of powers to deal with any such acts.

Under the Public Order Act 1986, chief officers may impose conditions on assemblies to prevent serious public disorder, serious damage to property, serious disruption to the life of the community or when the purpose is to intimidate others to compel them not to do an act that they have a right to do.

The police also have dispersal powers (in public places) under the Anti-social Behaviour, Crime and Policing Act 2014, and the Protection from Harassment Act 1997 includes criminal offences that protect individuals, who are conducting lawful activities, from harassment by protestors. How these powers are deployed and the tactics used to manage protests are operational matters for the police.

Public Space Protection Orders are tools which local authorities can use to stop people committing anti-social behaviour in a

¹ Back-Off campaign, [The campaign](#) (accessed 6 November 2017)

² SPUC, [Say no to buffer zones](#) (accessed 6 November 2017)

³ Ealing Council, [Minutes of Council meeting](#), 10 October 2017

⁴ [Jeremy Corbyn backs call for abortion clinic buffer zones](#), The Guardian, 26 October 2017

public place, applying restrictions to how that public space can be used. They cannot be used to prohibit static protests.⁵

The Back-Off campaign, which is supported by a number of organisations, such as the Royal College of Obstetricians and Gynaecologists, the Royal College of Midwives and Women's Aid, reports that there has been an escalation in anti-abortion activity outside clinics in the UK. It states that women report feeling intimidated and distressed by activities that include the display of distressing images, the distribution of inaccurate information and the filming of women entering clinics.⁶ The Back-off campaign calls for specific legislation to establish buffer zones around clinics in which anti-abortion activity cannot take place.⁷

Groups taking part in, and supporting action outside family planning clinics deny any harassment or other illegal activity. The Society for the Protection of the Unborn Child (SPUC) report that "*pro-life pavement counsellors cause no obstruction but simply offer help, without coercion, to women who are considering abortion.*"⁸

This is an issue that has been addressed through the introduction of specific legislation in other countries. The United States Federal law, [*US Freedom of Access to Clinic Entrances \(FACE\) Act*](#) prohibits the use of force or physical obstruction that injures or intimidates a person seeking reproductive health care.⁹ In Australia, a number of States have introduced 'exclusion zones' around family planning clinics.¹⁰ A number of States in Canada have also introduced similar legislation.¹¹

1.1 Current laws addressing protests

Police powers

The police have a range of powers to deal with protests. [Section 5](#) of the *Public Order Act 1986*, makes it an offence to display threatening, or abusive words or images that, within the sight of someone, is likely to cause harassment, alarm or distress. [Section 14](#) of the same Act allows the police to place conditions on the location, duration or numbers attending a public assembly. This can be applied where the police believe that the assembly may result in serious public disorder, serious damage to property, serious disruption to the life of the community, or that the purpose by the assembly organisers is to intimidate others to compel them not to do an act that they have a right to do.

The police have dispersal powers (in public places) under [sections 34 and 35](#) of the *Anti-social Behaviour, Crime and Policing Act 2014*, to

⁵ [HL Written Question HL1879 : Abortion](#), 23 October 2017

⁶ Back-Off campaign, [The campaign](#) (accessed 6 November 2017)

⁷ [Back-Off Campaign](#) (accessed 6 November 2017)

⁸ SPUC, [Say no to buffer zones](#) (accessed 6 November 2017)

⁹ United States Department of Justice, [Freedom of Access to Clinic Entrances & Places of Religious Worship](#), 6 February 2017

¹⁰ Parliament of Victoria, Parliamentary Library and Information service, [Research Notes on Exclusion Zones in Australia – Update](#), 2015

¹¹ Ibid.

remove or reduce the likelihood of members of the public being harassed, alarmed or distressed, or to prevent local crime or disorder.

The use of the dispersal power must be authorised by an officer of at least the rank of inspector. In order to use the power, two conditions have to be met:

1. the officer must have reasonable grounds to suspect that the behaviour of the person has contributed, or is likely to contribute, to:
 - members of the public in the locality being harassed, alarmed or distressed; or
 - crime and disorder occurring in the locality
2. the officer considers that giving a direction to the person is necessary for the purpose of removing or reducing the likelihood of anti-social behaviour, crime or disorder¹²

The test includes behaviour that is likely to cause harassment, alarm or distress, allowing the dispersal to be used as a preventative measure.

Failure to comply with the direction is a criminal offence. Further detail is in [section 2](#) of Library Briefing Paper 7270, [Constituency Casework: Anti-Social Behaviour](#). See also [section 2.4](#) of the Government guidance, Home Office, *Anti-Social Behaviour, Crime and Policing Act: Reform of anti-social behaviour powers; statutory guidance for frontline professionals*, July 2014 and the Crown Prosecution Service guidance, [Dispersal power](#).

The *Protection from Harassment Act 1997* includes criminal offences that protect individuals, who are conducting lawful activities, from harassment by protestors. The Act prohibits a person from knowingly pursuing a course of conduct which amounts to harassment. A course of conduct is normally defined as conduct on two or more occasions, but the *Serious Organised Crime and Prevention Act 2005* extended the definition of harassment to include conduct on one occasion only, providing that it includes the harassment of two or more persons and is done with the intention of "persuading them to do something that they are not entitled to do or not do something they are entitled to do." The definition of a "course of conduct" in section 7 of the 1997 Act was also amended by the *Criminal Justice and Police Act 2001* to make it clear that the Act protects an individual from collective harassment by two or more people. This closed a potential loophole where two or more people each carried out only one act of harassment. Further information on the *Protection from Harassment Act 1997* is contained in Library Briefing Paper 6648, [Protection from Harassment Act 1997](#).

What factors the police have to balance in policing public protest

There is a good overview of the factors the police have to balance in the section on [Core Principles and Legislation](#) in the College of Policing's Authorised Professional Practice (APP) on [Public Order](#). See for example:

¹² Home Office, [Anti-social Behaviour, Crime and Policing Act 2014: Reform of anti-social behaviour powers -Statutory guidance for frontline professionals](#), p34

Organisers' intentions

Peaceful intentions should be presumed unless there is compelling evidence that those organising or participating in a particular event will themselves use, advocate or incite violence. Peaceful in this context includes conduct that annoys or offends persons opposed to the idea or claims a public procession or assembly is promoting.

(...)

The possibility of extremists with violent intentions, who are not members of the organising association, joining the demonstration does not take away the right to peaceful assembly. Even if there is a real risk of a public assembly or procession resulting in disorder by developments outside the control of those organising it, such a procession or assembly does not for this reason alone fall outside the scope of protection guaranteed by ECHR Article 11.

See [Human Rights Act 1998](#).

Restricting the right to peaceful protest

The rights and freedoms provided under the Human Rights Act, Articles 9, 10 and 11 ECHR are qualified rights. This means that they may be interfered with or restricted in certain circumstances if necessary and for a legitimate aim.

The police can impose restrictions on the freedoms of belief, expression and peaceful assembly provided any such restriction is:

- prescribed by law
- in pursuit of one or more legitimate aims specified in paragraph 2 of the Article in question
- necessary and
- proportionate.

Possible local authority powers

The Public Spaces Protection Order (PSPO) allows councils to place restrictions or impose conditions on activities which people can carry out in a designated area. They are designed to deal with issues identified in problem areas which are having a detrimental impact on the quality of life in a community. The power is contained in [sections 59-75](#) of the *Anti-social Behaviour, Crime and Policing Act 2014*.

A PSPO is issued by a local authority on consultation with the police and the owner or occupier of the land, if appropriate. A PSPO can apply over any public place and can prohibit any activity if the council is satisfied, on reasonable grounds, that the activities:

- have had, or are likely to have, a detrimental effect on the quality of life of those in the locality;
- are likely to be persistent in nature;
- are unreasonable; and
- justify the restrictions imposed.

The local authority issuing the order must also consult with any relevant community representatives, such as a residents association, and should try to seek the views of those living or working nearby who may be affected by the order.

It is an offence for a person to breach the terms of a PSPO for which an enforcement officer (police constable, PCSO, council officer or other authorised person) may issue a Fixed Penalty Notice.

There were press reports in October 2017 that Ealing Council had been asked to consider introducing a Public Spaces Protection Order to deal with anti-abortion protests at a Marie Stopes clinic.¹³ The [minutes of the Full Council Meeting on 10 October 2017](#) shows that the Council agreed without a vote to approve a motion which included the following:

This Council commits to fully explore every possible option and will take all necessary actions within its powers, utilising all necessary resources, to prevent anti-abortion protestors from intimidating and harassing women outside the Marie Stopes Clinic on Mattock Lane.

¹³ See for example "[London council approves 'buffer zone' to stop anti-abortion protests outside clinic in landmark move](#)", *Independent*, 11 October 2017

2. News items

Guardian

'This is groundbreaking': the activists ending harassment at abortion clinics

Tired of women having to run the gauntlet of anti-abortion vigils, UK campaigners are making history with protective buffer zones

27 October 2017

<https://www.theguardian.com/world/2017/oct/27/abortion-clinic-ealing-london-buffer-zone-activists-women>

Telegraph

Amber Rudd urged by 113 MPs to ban protests outside abortion clinics

26 October 2017

<http://www.telegraph.co.uk/news/2017/10/26/amber-rudd-urged-113-mps-ban-protests-outside-abortion-clinics/>

Telegraph

Anti-abortion protesters could be banned from standing outside Marie Stopes clinic

11 October 2017

<http://www.telegraph.co.uk/news/2017/10/11/anti-abortion-protesters-could-banned-standing-outside-marie/>

London Evening Standard

Ealing Council makes landmark move in fight to stop pro-life campaigners harassing women outside west London abortion clinic

10 October 2017

<https://www.standard.co.uk/news/london/ealing-council-make-landmark-move-in-fight-to-stop-prolife-campaigners-harassing-women-outside-west-a3655571.html>

Independent

Government urged to tackle anti-abortion protests in UK after women are confronted outside clinics

6 October 2017

<http://www.independent.co.uk/news/uk/home-news/abortion-uk-protests-government-urged-change-laws-clinics-vigils-a7984601.html>

New Statesman

Should we have buffer zones around abortion clinics?

6 November 2015

<https://www.newstatesman.com/politics/devolution/2015/11/should-we-have-buffer-zones-around-abortion-clinics>

Times [subscription]

Abortion protesters force clinic to close

21 July 2015

<https://www.thetimes.co.uk/article/abortion-protesters-force-clinic-to-close-n2fzgkmbvzx>

3. Press releases

British Pregnancy Advisory Service

bpas comment on MPs' letter to Amber Rudd requesting buffer zones

26 October 2017

More than 100 MPs have put their names to a [letter](#) urging the government to introduce buffer zones around abortion clinics.

A bpas spokesperson said:

We have been incredibly disappointed by the government's lack of action on anti-abortion clinic protests. Women are being harassed and intimidated on a daily basis when trying to access a legal healthcare service. It's hard to imagine that this behaviour would be ignored or permitted in any other circumstances. As a result of the government's intransigence, anti-abortion groups have become emboldened, and protests have intensified.

This isn't about the rights and wrongs of abortion. This is about protecting women. There is clear cross-party support for buffer zones, and we hope the government will do the right thing and bring forward legislation as soon as possible.

Society for the Protection of Unborn Children

Home Secretary Urged to Take Action in Defence of Pro-Life People Facing Asbo-Style Orders

12 October 2017

Pro-life campaigners will today deliver a petition to Home Secretary Amber Rudd in a bid to stop councils using ASBO-style orders to stop peaceful vigils outside abortion clinics.

The petition, signed by more than 8000 people, will be handed over following a decision on Tuesday by Ealing Council which could see a ban on people conducting prayer vigils near premises where abortions are carried out.

The London borough is thought to be planning to use Public Space Protection Orders (PSPOs), which replaced ASBOs, and give councils the power to take action against what they perceive as anti-social behaviour.

PSPOs are usually taken against those drinking or drug-taking in public.

The proposal has outraged the UK's Society for the Protection of Unborn Children (SPUC), the world's oldest and largest pro-life group which was founded in 1967.

The Ealing vote followed complaints made by the aggressively pro-abortion group Sister Supporter which complained about the peaceful

and trouble-free vigils which have held for more than 23 years by the pro-life Good Counsel Network and other groups.

SPUC is sending its petition to the Home Office less than two days after Ealing councillors made their unprecedented decision.

It contains in excess of 8000 names - more than double the 3000-plus names contained in the Sister Supporter petition lodged with Ealing.

The SPUC petition states that pro-life pavement counsellors stand near abortion clinics and offer women free help, without coercion, to avoid abortion. It is currently lawful to do this provided there is no obstruction or harassment. The privately run clinics want to make it illegal to offer women help near their premises. These clinics receive around £600 for each abortion they perform.

The petition calls upon the Home Secretary to reject calls to make it illegal for peaceful pavement counsellors to offer pro-life alternatives near abortion clinics.

Urging the government to step in and take action to defend the right of pro-life people to offer such help, Dr Anthony McCarthy, SPUC's Director of Education Research and Communications, said:

Clinic staff make a living from taking young unborn lives, and Sister Supporter aggressively helps them do so. Neither group can tolerate those like Good Counsel Network who peacefully offer women the help and information the clinic itself was so careful not to give them. Those who offer such help are warmly thanked by the women who change their minds at the very last moment and have their babies.

He added:

It is those offering a lifeline to women in crisis who need protection from those pushing abortion, not vice versa.

For a local authority to consider categorising pro-life people offering help with drunks and drug addicts is almost beyond comprehension.

Dr McCarthy insisted pro-life volunteers are entitled to freedom of speech and to be allowed to stand outside abortion clinics and offer life-saving alternatives to pregnant mothers contemplating abortion.

He added:

We know through the witness of many women who have come to us that there are children today who owe their very lives to the courage of these volunteers, standing out in all weathers and sometimes facing abuse from members of the public or even from officials.

The abortion industry, which includes the British Pregnancy Advisory Service (BPAS) - the chain responsible for 65,000 abortions each year in the UK - is lobbying for the introduction of "buffer zones" to ban pro-lifers from standing outside their premises. BPAS stands to lose out financially every time a woman is helped to choose life for her baby. On average, each time a woman decides not to proceed with an abortion the clinic in question stands to lose well in excess of £500 in revenue.

The council motion's stated aim is to stop "anti-abortion protesters from intimidating and harassing women outside the Marie Stopes Clinic on Mattock Lane".

But SPUC state that there have been peaceful pro-life prayer vigils there for 23 years, without anyone being charged with harassment.

Dr McCarthy said:

It seems that because no laws are being broken, Sister Supporter are trying to find new ways to stop pavement counsellors offering help to women.

The motion commits the council "to fully explore every possible option and... take all necessary actions within its powers, utilising all necessary resources" to this end.

One option is imposing a Public Spaces Protection Order (PSPO) around the clinic. PSPOs, which replaced ASBOs, are more commonly used to stop anti social behaviour such as public drinking and drug-taking.

Clare McCullough of the Good Counsel Network, which holds vigils outside the clinic, said:

The whole reason for using this PSPO, as they're trying to do in Ealing is because there is no harassment or intimidation, or they would be using the current laws to prosecute us.

She added:

I'm amazed at the lengths people will go to stop pregnant women from looking at the alternatives. We try to make sure women are not being pressured into abortion. We've had hundreds of women accept help outside Marie Stopes.

Harassment is a crime. If we were harassing anyone we would be arrested. In fact, what we're trying to do is help women to have an alternative, if they're willing to accept it.

Ealing News Extra (online news from Ealing Council)

Overwhelming support for council to take action at Marie Stopes clinic

On Tuesday, 10 October, Ealing Council overwhelmingly passed a motion to end harassment and intimidation outside the Marie Stopes women's health clinic on Mattock Lane, West Ealing.

Of the 61 councillors present at the full council meeting, 58 voted in favour of the motion, two abstained and in line with convention, the Mayor did not vote.

The premise of the motion was to 'protect the rights of individuals from harassment and intimidation when accessing legally existing health services at the Marie Stopes Clinic and of local residents not to be exposed to related disruption and distress on a daily basis'.

The full motion can be read below.

Following a complaint about behaviours of protesters outside the Marie Stopes clinic on Mattock Lane, West Ealing, Ealing Council started investigating concerns. This investigation began in July 2017 and is currently ongoing.

Once the investigation is complete the evidence gathered will be reviewed and at that point the council will consider all the options available to be pursued based on the findings.

Councillor Julian Bell, leader of Ealing Council said:

It was clear last night that there is overwhelming support to tackle this issue and that is what we will do.

The next steps are for council officers to continue to carry out an in depth investigation to gather evidence to allow for all options to be considered.

As I stated at the meeting, I find the continuing protests on Mattock Lane deeply disturbing and we are resolved to find a permanent resolution. Ealing Council will always stand up for the rights of local residents and for all to access their healthcare options free from intimidation and bullying behaviour.

The motion from Councillor Binda Rai can be [viewed here](#).

Sister Supporter

We did it!

11 October 2017

Last night Ealing Council made history by being the first to take action against the harassment of women carried out by anti-choice groups at an abortion clinic. The full council meeting unanimously voted on a motion to “fully explore every possible option” taking all “necessary actions within its powers, utilising all necessary resources, to prevent anti-abortion protestors from intimidating and harassing women” at the Marie Stopes Clinic, Mattock Lane in Ealing.

Anna Veglio-White, founder of Sister Supporter, presented the petition to the council meeting and told of the terrible harassment women faced entering and exiting the clinic. One teenage client had been told by protesters that she would be “haunted by her baby”. Anna in immediate response to the overwhelming vote said “Today, I am really proud to say I am from Ealing”.

Sister Supporter are delighted by the outcome of the council meeting. We thank everyone who spoke on behalf of the women, of the clinic and the residents of Ealing. We welcome with cautious optimism the result, though appreciate the journey ahead will be a long but worthwhile one.

We want to thank all of the amazing people who turned up to show their support both inside and outside the Town Hall, and to everyone who has supported us over the last two years. This is only the start of the journey to bring this 22 year legacy of harassment to a close, but it

is an important milestone and one that would not have been possible without the strength and determination of everyone who has supported this cause in the Ealing community and beyond. We hope that other councils and eventually the Government will follow, in protecting women from harm when accessing healthcare.

Marie Stopes UK

Media statement: Ealing Council Public Space Protection Order (PSPO)

10 October 2017

Richard Bentley, Managing Director at Marie Stopes UK, said:

This ground-breaking move by Ealing Council sets a national precedent for ending the harassment of women using legal healthcare services. We hope that other local authorities will follow this example and act to increase protection for women in their area.

For too long, these groups have used the word 'protest' to mask their real objectives, which are to harass women they don't know, invade their space and block their right to healthcare. If they were serious about protesting abortion law, they would be standing on Whitehall where the laws are made. We respect and support the right to free speech, but it absolutely does not give strangers a free pass to bully and intimidate women.

The majority of women who arrive at our clinics have already had a consultation with a trained professional in which they have talked through their options and have come to a decision that's right for them. Strangers harassing them as they enter and leave the clinic does nothing to change that. All it does is upset women on what can already be a difficult day.

We are grateful to Ealing Council for recognising this and taking action, and to Sister Supporter and Rupa Huq MP for their campaign.

British Pregnancy Advisory Service

bpas comment on vote re: anti-abortion clinic protests at Ealing Council

10 October 2017

In response to growing anti-abortion protest activity [outside a London clinic](#), councillors in Ealing have tonight voted, without opposition, to commit the Council to "fully explore every possible option and take all necessary actions within its powers, utilising all necessary resources, to prevent anti-abortion protestors from intimidating and harassing women." Ealing Council has tonight indicated that this could include using anti-social behaviour tools including Public Spaces Protection Orders.

A bpas spokesperson said:

We welcome Ealing Council's commitment to taking all actions within its powers to prevent the harassment of women attending their local clinic. As the Council has noted, this is not about shutting down debates about abortion or limiting free speech, but balancing the right to protest with the right of women to obtain advice and treatment in confidence and free from intimidation

While today's vote is undoubtedly a significant step forward for women and residents in Ealing, anti-abortion protests are a national problem in need of a national solution. The situation in Ealing is sadly not unique, and women and clinic staff across the country report being followed, filmed, and harassed when trying to access or provide legal healthcare services. This has to stop.

A number of other countries have introduced buffer zones around clinics in which anti-abortion activity cannot take place. Women in the UK deserve exactly the same level of protection. We urge the government to follow the example set by Ealing Council, take responsibility for the safety and wellbeing of women seeking abortion care, and put forward legislation to introduce buffer zones as a matter of urgency.

Humanists UK

October 7th, 2016

The British Humanist Association (BHA) has today called for the law to be changed to enable the creation of buffer zones around abortion clinics.

The call comes in a [joint letter](#) in today's *Times* organised by the British Pregnancy Advisory Service (BPAS) and signed by three royal colleges, and pro-choice, women's rights, and sexual and reproductive health groups as well as the BHA.

It says that 'all women should be able to access legal abortion services free from harassment and intimidation. The behaviour of anti-abortion extremists outside UK clinics is unacceptable, as evidence broadcast in Channel 4's *Dispatches* confirms. We cannot simply look on as these groups become increasingly emboldened because the police are unable to act. The vast majority of the public are pro-choice, and those who seek to demonise women grappling with hard decisions are few in number. However, they can cause misery and, in the worst cases, deliberately risk women's health with lies and misinformation. We urge the home secretary to establish buffer zones outside clinics before this situation escalates any further.'

The letter follows on from a Channel 4 [Dispatches documentary](#) which has exposed a campaign of harassment and intimidation by anti-abortion activists of women attempting to access abortion facilities. The BHA has long supported the [Back Off](#) campaign, which seeks a change in the law in this area.

The documentary revealed groups such as Abort 67, 40 Days for Life, and the Good Counsel Network intercepting women trying to gain

entry to clinics, with women reporting being physically handled by activists and one clinic even having someone paid to stand outside.

Activists were found to be referring women to so-called 'crisis pregnancy centres', which purport to be neutral sources of information on abortion but in fact are anti-abortion. In 2014, a [report by Education for Choice](#) showed such problems among these centres were widespread, and the documentary demonstrated that this is still the case.

'It is already illegal to harass and intimidate women, but as the documentary demonstrated, in practice current laws do not provide the police with the tools they need to intervene to prevent such harassment,' said BHA Director of Public Affairs Pavan Dhaliwal. 'Giving the police new powers to establish buffer zones around clinics would not stifle anti-abortion activists' free speech, but would ensure that women can access services without being harassed or physically obstructed.'

Notes to editors

For further comment or information, please contact BHA Director of Public Affairs and Policy Pavan Dhaliwal on pavan@humanism.org.uk or 0773 843 5059.

The letter to the Times was signed by: *Ann Furedi, Chief Executive, British Pregnancy Advisory Service; Polly Neate, Chief Executive, Women's Aid; Professor Lesley Regan, President, Royal College of Obstetricians & Gynaecologists; Justine Roberts, Founder, Mumsnet; Sam Smethers, Chief Executive, Fawcett Society; Natika H Halil, Chief Executive, FPA; Vivienne Hayes, Women's Resource Centre; Pavan Dhaliwal, Director of Public Affairs and Policy, British Humanist Association; Marai Larasi, Executive Director, Imkaan; Sarah Green, End Violence Against Women; Professor Lesley Regan, President, Royal College of Obstetricians & Gynaecologists; Dr Asha Kasliwal, President, Faculty of Sexual & Reproductive Healthcare; Dr Kate Guthrie, Co-Chair, British Society of Abortion Care Providers; Professor Cathy Warwick, Chief Executive, Royal College of Midwives; Ros Bragg, Director, Maternity Action; Dawn Thomas, Co-Chair, Rape Crisis England and Wales; Dianne Whitfield, Co-Chair, Rape Crisis England and Wales.*

Watch

the *Dispatches* documentary: <http://www.channel4.com/programmes/dispatches/on-demand/62890-001>

Read the letter in

today's *Times*: <http://www.thetimes.co.uk/article/citizenship-and-listing-foreign-employees-d8fr3xx87>

Read more about the BHA's campaigns work on

abortion: <https://humanism.org.uk/campaigns/public-ethical-issues/sexual-and-reproductive-rights/>

Read more about the Back Off campaign: back-off.org

4. Parliamentary material

[Abortion](#)

Asked by: Baroness Tonge

To ask Her Majesty's Government how they plan to prevent harassment and intimidation of women accessing abortion services.

Answering member: Baroness Williams of Trafford | Department: Home Office

This country has a proud history of allowing free speech, but the right to peaceful protest does not extend to harassment or threatening behaviour. The police have a range of powers to deal with any such acts.

Under the Public Order Act 1986, chief officers may impose conditions on assemblies to prevent serious public disorder, serious damage to property, serious disruption to the life of the community or when the purpose is to intimidate others to compel them not to do an act that they have a right to do.

The police also have dispersal powers (in public places) under the Anti-social Behaviour, Crime and Policing Act 2014, and the Protection from Harassment Act 1997 includes criminal offences that protect individuals, who are conducting lawful activities, from harassment by protestors. How these powers are deployed and the tactics used to manage protests are operational matters for the police.

Public Space Protection Orders are tools which local authorities can use to stop people committing anti-social behaviour in a public place, applying restrictions to how that public space can be used. They cannot be used to prohibit static protests.

HL Deb 23 October 2017 | PQ HL1879

[Family Planning: Clinics](#)

Asked by: Huq, Dr Rupa

To ask the Secretary of State for the Home Department, if she will take steps to strengthen public order legislation to address protests by religious and other groups outside family planning clinics.

Answering member: Amber Rudd | Department: Home Office

Peaceful protest is a vital part of a democratic society. However, the Government is clear that rights to peaceful protest do not extend to harassment, intimidating behaviour or serious disruption to the community and the law provides protection against such behaviour. The police have a range of powers to manage protests and the use of police powers is an operational matter for them.

HC Deb 16 October 2017 | PQ 901158

[Topical Questions](#)**Asked by: Dr Rupa Huq**

Last week, all parties backed a near unanimous motion on Ealing Council to introduce a public spaces protection order outside the Marie Stopes family planning clinic there, because three decades of protests by pro-lifers and one year of protests by pro-choicers have made it impossible for residents to pass along the pavement and have obstructed women having legal NHS healthcare. Will the Government issue guidance on whether other local authorities with such facilities within their boundaries should follow suit, or will there be a more national permanent solution?

Answered by: Amber Rudd | Department: Home Department

I commend the hon. Lady for raising this subject. It is imperative that women have access to safe and legal abortion. Although we of course agree that public protest must be allowed, it must not in any way be allowed to intimidate women on the way to receiving the health services they want. I am watching with interest how Ealing Council, which is the first to do this, manages, and we will see whether any additional support is needed. It is a local matter, but as I say, I am very interested to see the outcome of this and I welcome her raising it in the House.

HC Deb 16 October 2017 | Vol 629 c578

[Abortion: Protest](#)**Asked by: Foxcroft, Vicky**

To ask the Secretary of State for the Home Department, what steps the Government is putting in place to protect women accessing abortion clinics (a) in London and (b) elsewhere against protestors.

Answering member: Brandon Lewis | Department: Home Office

The Home Office is aware of a number of recent protests outside some abortion clinics which we take extremely seriously. This country has a proud history of allowing free speech but the right to peaceful protest does not extend to harassment or threatening behaviour. The law currently provides protection against such acts.

The police have a range of powers to deal with protests outside clinics. Section 5 of the Public Order Act 1986, makes it an offence to display threatening, or abusive words or images that, within the sight of someone, is likely to cause harassment, alarm or distress. Section 14 of the Public Order Act 1986 allows the police to place conditions on the location, duration or numbers attending a public assembly. This can be applied where the police believe that the assembly may result in serious public disorder, serious damage to property, serious disruption to the life of the community, or that the purpose by the assembly organisers is to intimidate others to compel them not to do an act that they have a right to do.

The police have dispersal powers (in public places) under sections 34 and 35 of the Anti-social Behaviour, Crime and Policing Act 2014, to remove or reduce the likelihood of members of the public being harassed, alarmed or distressed, or to prevent local crime or disorder.

The Protection from Harassment Act 1997 includes criminal offences that protect individuals, who are conducting lawful activities, from harassment by protestors.

The policing of protests and the use of police powers are an operational matter for the police.

HC Deb 20 October 2016 | PQ 48322

[Health Services: Protest](#)

Asked by: Coyle, Neil

To ask the Secretary of State for the Home Department, what steps her Department is taking to ensure that police officers and others have the ability to prevent protestors harassing or intimidating women seeking advice on sexual health and abortion.

Answering member: Mike Penning | Department: Home Office

The Home Office is aware of a number of recent protests outside some abortion clinics which we take extremely seriously. This country has a proud history of allowing free speech but the right to peaceful protest does not extend to harassment or threatening behaviour. The law currently provides protection against such acts. The police have a range of powers to deal with protests outside clinics. Section 5 of the Public Order Act 1986, makes it an offence to display threatening, or abusive words or images that, within the sight of someone, is likely to cause harassment, alarm or distress. Section 14 of the Public Order Act 1986 allows the police to place conditions on the location, duration or numbers attending a public assembly. This can be applied where the police believe that the assembly may result in serious public disorder, serious damage to property, serious disruption to the life of the community, or that the purpose by the assembly organisers is to intimidate others to compel them not to do an act that they have a right to do.

The police have dispersal powers (in public places) under sections 34 and 35 of the Anti-social Behaviour, Crime and Policing Act 2014, to remove or reduce the likelihood of members of the public being harassed, alarmed or distressed, or to prevent local crime or disorder.

The Protection from Harassment Act 1997 includes criminal offences that protect individuals, who are conducting lawful activities, from harassment by protestors. The policing of protests and the use of powers are an operational matter for the police.

HC Deb 13 July 2015 | PQ 5385

[Hospitals: Demonstrations](#)

Asked by: Smith, Cat

To ask the Secretary of State for the Home Department, what assessment she has made of the potential effect of the use of buffer zones outside NHS hospitals where abortions are carried out.

Answering member: Mike Penning | Department: Home Office

While peaceful protest is a vital part of our democratic society, there is a balance to be struck between the rights of those who wish to peacefully protest and the rights of others, such as clinic staff and patients, to go about their business free from harassment and intimidation.

The law provides protection against harassment and intimidation and the police have a range of powers to manage protests. The use of these powers are an operational matter for the police.

HC Deb 21 April 2016 | PQ 34185

5. Useful links and further reading

Ealing Council – *minutes of full council meeting 10 October 2017*

<http://ealing.cmis.uk.com/ealing/Meetings/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/4994/Committee/2/Default.aspx>

Under Item 7A, Petition for debate:

[...]

They have called for a PSPO – and this is one of several options I and ward councillors will insist are properly and thoroughly explored before we make a decision

[...]

Under Item 11.2, Other matters for debate:

The amended motion carried includes:

[...]

This Council commits to fully explore every possible option and will take all necessary actions within its powers, utilising all necessary resources, to prevent anti-abortion protestors from intimidating and harassing women outside the Marie Stopes Clinic on Mattock Lane.

[...]

e-Petition 10 December 2015-10 June 2016 (10,927 signatures):

Buffer zones for abortion clinics

I was shocked that it is legal for people to protest and have recording equipment so close to the entrance of these clinics. Abortion is not illegal in the UK and nor should it be. Women should be able to visit these clinics without fear, harassment or intimidation.

Last November over a million people watched a video of a woman confronting protesters outside an abortion clinic.

Please sign this petition calling on all the parties to commit to changing the law to set exclusion zones to stop protesting outside abortion clinics.

Government response:

Peaceful protest is a vital part of our democratic society. Current laws in place provide protection against actions by protesters that may cause others to feel intimidated or harassed.

While peaceful protest is a vital part of our democratic society, there is a balance to be struck between the rights of those who wish to peacefully

protest and the rights of others, such as clinic staff and patients, to go about their business free from harassment and intimidation.

This Government is clear that rights to peaceful protest do not extend to harassment or intimidating behaviour. Like all members of the public, protesters are subject to the law and all suspected criminal offences will be robustly investigated and dealt with by the police.

The law provides protection against harassment and intimidation, and the police have a range of powers to manage protests. This includes powers under the Public Order Act 1986 which make it an offence to display words or images that may intentionally cause harassment, alarm or offence. Conditions can also be set on the location, duration, and numbers attending a public assembly. The Anti-social Behaviour, Crime and Policing Act 2014 gives the police dispersal powers in public places, to prevent or stop members of the public being harassed, alarmed and distressed and the Protection from Harassment Act 1997 prohibits a person from pursuing a course of conduct which amounts to harassment of another person to do something they are entitled to do, or under no obligation to do.

Home Office

<https://petition.parliament.uk/archived/petitions/114853>

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