
CONSULTATION ON PROPOSED PUBLIC SPACES PROTECTION ORDER AROUND THE MARIE STOPES CLINIC - EALING COUNCIL

Response from Humanists UK, March 2018

ABOUT HUMANISTS UK

At Humanists UK, we want a tolerant world where rational thinking and kindness prevail. We work to support lasting change for a better society, championing ideas for the one life we have. Our work helps people be happier and more fulfilled, and by bringing non-religious people together we help them develop their own views and an understanding of the world around them. Founded in 1896, we are trusted by over 65,000 members and supporters to promote humanism. Through our ceremonies, pastoral support, education services, and campaigning work, we advance free thinking and freedom of choice so everyone can live in a fair and equal society.

Response to consultation questions

- 1. With regards to the proposed Safe Zone, please select the statement(s) that apply to you:**

Other (please specify the reason for your interest in this consultation)

Humanists UK is a national charity. We campaign in favour of women's sexual and reproductive rights, in particular with respect to abortion. Our position on abortion is 'pro-choice'. We are a member of the steering group of Voice for Choice, the coalition of UK pro-choice groups, along with other pro-choice groups across the UK such as BPAS, Marie Stopes, Abortion Rights, FPA, Brook, and the Abortion Support Network. We are a founding supporter of the Back Off campaign, coordinated by BPAS, which aims to change the law to make it possible to establish protest-free zones around abortion clinics.

- 2. Please tell us your home post code. (we need this in order to establish how you are related to/ affected by the issues under this consultation)**
EC1V 8BB
- 3. Have you come across any of the following behaviours in the proposed Safe Zone?**

- People protesting, namely engaging in any act of approval/disapproval or attempted act of approval/disapproval, with respect to issues related to abortion services, by any means, including, without limitation, graphic, verbal or written means, and including, for the avoidance of doubt, prayer or counselling

Don't know/Can't say

- People approaching, challenging, following, or attempting to engage in conversation with any person entering or leaving the Marie Stopes Clinic

Don't know/Can't say

- People taking photographs or other recordings of any person entering or leaving the Marie Stopes Clinic

Don't know/Can't say

- People displaying text or images relating to the termination of pregnancy

Don't know/Can't say

- People playing or using amplified music, voice or audio recordings

Don't know/Can't say

Other (please specify any other behaviour you may have come across or been affected by, specifically in relation to the termination of pregnancy or the promotion of choice for women)

Although we have not directly experienced the Ealing protests, through our campaigning work alongside healthcare providers, including Marie Stopes, we have a detailed knowledge of the groups carrying out these protests, their frequency and issues relating to the harassment and intimidation of women trying to access abortion and reproductive health services. Through them we have learned of the vast extent of harassment that has occurred, including testimonies of women being accosted by protesters without solicitation, being exposed to distressing and graphic imagery, being filmed without consent and of being unable to access or leave the premises because protesters blocked the entrance.

4. If you have come across any other behaviour in the proposed Safe Zone, specifically in relation to the termination of pregnancy or the promotion of choice for women, please state if it has have a detrimental effect on...

Your quality of life

(leave blank)

Your usage of the area

(leave blank)

Your experience of working at the clinic (if you are a member of staff)

(leave blank)

Your experience of accessing services at the clinic (if you are a user)

(leave blank)

5. Based on the evidence gathered so far, we propose that under the Public Spaces Protection Order (PSP0) a number of activities be prohibited within the proposed Safe Zone.

People protesting, namely engaging in any act of approval/disapproval or attempted act of approval/disapproval, with respect to issues related to abortion services, by any means, including, without limitation, graphic, verbal or written means, and including, for the avoidance of doubt, prayer or counselling.

Strongly agree

Please explain the reasons for your response

We strongly support the prohibition of the above activities in the vicinity around the Marie Stopes clinic. This measure will establish a fair balance between the rights of the women to be able to access healthcare and the rights to freedom of speech and to protest. Under the current law there are no measures that adequately protect a woman's right to access, with police unable to enforce harassment restrictions against protesters. This measure would redress this imbalance. PSPOs do not unduly restrict or erode existing freedoms, but prevent such activities from impeding the free exercise of a woman's right to choose what healthcare she receives. A woman may choose to approach these protesters outside of the 'safe zone' but is not compelled to do so. This gives her a meaningful choice.

Interfering, or attempting to infer, whether verbally or physically, with a service user or member of staff of the Clinic

Strongly agree

Please explain the reasons for you response

Under the Abortion Act 1967, women have a legal right to access medical advice relating to abortion services. As such a woman should not be prevented from accessing those services, either physically by protestors blocking entrances to clinics or touching services users, or through verbal and emotional manipulation.

With regards to members of staff, they should be able to enter and leave their place of employment without intimidation, including being filmed or photographed without their consent. Abortion clinic staff are neither in need of counselling or have the ability to change abortion policy. Therefore, there is no reason for their actions to be interfered with by protestors. Removing such activity from the vicinity of the clinic is therefore appropriate.

Intimidating or harassing, or attempting to intimidate or harass, a service user or a member of staff of the clinic

Strongly agree

Under the Abortion Act 1967, women have a legal right to access medical advice relating to abortion services. As such a woman should not be prevented from accessing those services by harassment or intimidation.

With regards to members of staff, they should be able to enter and leave their place of employment without intimidation or harassment. Abortion clinic staff are neither in need of counselling or have the ability to change abortion policy. Therefore, there is no reason for their actions to be interfered with by protestors. Removing such activity from the vicinity of the clinic is therefore appropriate.

Recording or photographing a service user or member of staff of the Clinic whilst they are in the Safe Zone

Strongly agree

Please explain the reasons for your response

We strongly agree that there should be restrictions upon photographing or

recording personal information about women seeking services at these clinics by any means. When accessing medical services, confidentiality is a cornerstone of best practice. The decision to have an abortion is a deeply personal and often emotional one for a woman to undertake. Therefore, it is highly distressing for activists who are not party to her medical or personal circumstances to attack her decision in public against her wishes. A medical professional cannot expose her medical information to an outside body, and neither should an activist be able to. In abortion, like all medical procedures, there should be an assumption that the patient has a right to privacy.

Displaying any text or images relating directly or indirectly to the termination of pregnancy

Strongly agree

Please explain the reason for your response

The decision to have an abortion is a deeply personal one and in many cases can be highly distressing. There have been examples of anti-choice protesters displaying distressing images of dismembered fetuses and leaflets with misleading and often outright incorrect information about abortion. The intent behind such images and literature is not to provide a legitimate service to women accessing these clinics, but to prevent an abortion from occurring through emotional manipulation. This is an illegitimate interference with women's right to access both medical services and accurate information about her health. Therefore, displaying such material should not be allowed to occur in the immediate vicinity of the clinic. These images are also distressing for local residents who are not service users to the clinic but who find these images graphic and upsetting to see.

Playing or using amplified music, voice or audio recordings

Strongly agree

As above, just as with the display of graphic material, we believe that this measure will help to balance the right of protestors to freedom of speech and expression, whilst respecting the right of women accessing the clinic to do so without interference. If women using the clinic or residents wish to engage with the protest they can freely approach. But they should not be subjected to unsolicited messages, which might be distressing broadcast at them.

6. Towards addressing the behaviours identified in this consultation, to what extent do you agree or disagree with

The scope of the proposed Safe Zone

Tend to agree

Please add any comments below

We mostly agree with the scope of the 'Safe Zone'. We are concerned that protest activity might occur directly outside of the zone on Culmington Road between Mattock Lane and Uxbridge Road, as this would be a route used by women arriving at the clinic from West Ealing station. We would recommend that the zone is extended to cover this section of the Culmington Road.

The restrictions that would apply in the proposed Safe Zone

Strongly agree

Please add any comments below

We believe that the proposed restrictions on activities inside the safe zone are necessary to establish the balance between the rights of those who wish to protest with the rights of women to be able to access legal medical services without physical, emotional or verbal interference.

- 7. Within this Safe Zone, we propose that an area is provided for people to congregate, impart information, and engage in peaceful prayer or protest, from either the Pro-Life or Pro-Choice standpoint. This would allow clinic users who wish to do so, to approach the represented groups for advice or support. This is identified on the map as the green shaded area outlined with a green boundary and labelled 'Designated Area'.**

However, the following restrictions will still apply in the Designated Area. Please tell us to what extent you agree or disagree with each of these proposed restrictions. And also state the reasons for your response.

A person shall not be part of a group or groups which together total four or more persons at any one time

Tend to agree

Please explain the reasons your response

Although we agree that there should be a limitation on the number of protesters from any one group present in the Designated Area, we believe that four is too high. For a woman accessing the clinic a group of four or three protestors could be as intimidating and distressing as two. For the purposes of offering advice and 'counselling' services two representatives from any organisation should be sufficient. We would recommend that the maximum number should be limited to two.

No individual poster, text or image, singularly or collectively greater than one sheet of A3 paper may be displayed within the designated space

Strongly agree

Please explain the reasons your response

We believe that this measure will help to balance the right of protestors to freedom of speech and expression within the Designated Area, whilst respecting the right of women accessing the clinic to do so without interference. By limiting the size of material displayed, which often depict graphic and distressing images of dismembered fetuses, women using the clinic and local residents can have a meaningful choice about whether they wish to encounter or view such material.

A person within the designated Area must not shout any message or words relating to the termination of pregnancy

Strongly agree

Please explain the reasons your response

Just as with the display of graphic material, we believe that this measure will

help to balance the right of protestors to freedom of speech and expression within the Designated Area, whilst respecting the right of women accessing the clinic to do so without interference. If women using the clinic or residents wish to engage with the protest they can freely approach. But they should not be subjected to unsolicited messages verbally projected at them outside of the Designated Area.

A person within the Designated Area must not play or use amplified music, voice or audio recordings

Strongly agree

Please explain the reasons your response

As above, just as with the display of graphic material, we believe that this measure will help to balance the right of protestors to freedom of speech and expression within the Designated Area, whilst respecting the right of women accessing the clinic to do so without interference. If women using the clinic or residents wish to engage with the protest they can freely approach. But they should not be subjected to unsolicited messages broadcast at them outside of the Designated Area. The purpose of the Designated Area would be undermined if its size and outreach were effectively increased by artificial amplification.

8. Towards addressing the behaviours identified in this consultation, to what extent do you agree or disagree with

The scope of the proposed Designated Area

Strongly agree

Please add any comments below

We believe the scope of the Designated Area is appropriate. It does not limit or prevent protestors from being able to express their viewpoints or carry out activities connect to that viewpoint, such as praying or offering their 'counselling' services to women genuinely interested in them. All that the restrictions inside of the Designated Area do is limit the reach of these activities so that they do not physically or emotionally impact upon service users and staff who do not wish to engage with them.

The restrictions that would apply in the proposed Designated Area

Strongly agree

Please add any comments below

We are concerned by reports that anti-choice activists have on at least one occasion colluded with abusive partners to attempt to coerce women into changing their mind about their reproductive choices. The incident in question involved an anti-choice activist telephoning an estranged and abusive partner of a woman seeking an abortion to inform him when she arrived at the clinic. This is not only an undue interference with her right to freely access medical services - a choice that belongs to her and her alone - but put her personal safety at risk. Such activities go beyond the free exercise of speech and protest. There is currently no law or restriction to prevent activists from sharing such information. We believe that in addition restricting activists from photographing or recording women, there should be restrictions on activists storing information about

women accessing these services or sharing such information with third parties.

9. In order to address the behaviours mentioned in this consultation and enable people to access services at the Clinic without harassment or distress, we have considered a range of options.

If you have any other views/ suggests on how best to address the behaviours mentioned in this consultation, please state them in the space below.

Several local authorities have voted on motions in support of the use of Public Spaces Protection Orders (PSPO) as a means of protecting access to abortion clinics. Although we believe that PSPOs are a useful interim measure, we believe only the introduction of buffer zones through national legislation is an appropriate long-term solution. PSPOs are cumbersome to introduce and enforce, as each requires a consultation to take place within each local authority wishing to implement one. PSPOs focus on the quality of life of those in the affected areas so focus more on long term residents, rather than women visiting the clinic on a maximum of two occasions. Therefore, such consultations may not capture a true picture of the type of harassment that is occurring. They are also time-sensitive, typically only being in force for three years, with no guarantee of being renewed. We hope that Ealing Council will consider a more permanent solution such as a full 'buffer zone' as is currently being considered by the Home Office.

10. Do you think the proposed restrictions in the Safe Zone may unfairly impact on your day-to-day activities

Don't know/can't say

11. Do you think the proposed restrictions may have an impact, either positive or negative, on any group of people within a protected characteristic under the Equality Act 2010? The nine protected characteristics are:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

Please state the reasons for your response

We believe that this measure will have a positive impact upon the protected characteristic of sex, removing sex based discrimination. A report published in February 2018 by the UN Committee on the Eradication of Discrimination against Women found that in Northern Ireland the failure to 'protect women from harassment by anti-abortion protestors when seeking sexual and reproductive health services and information' constituted sex-based discrimination. This applies to such activity in the rest of the UK.

Some of the anti-choice groups involved in these protests may falsely claim that

their activities outside the clinic, including praying, should be protected by their right to freedom of religion and belief as specified under the Human Rights Act 1998. Thus, this PSPO would negatively impact upon this characteristic. However, this is not the case. The right to manifest one's religious beliefs is qualified. The local authority may impose limits upon that right in the interest of protecting the rights and freedoms of others. In this case, limiting the display of anti-abortion material and activities within the 'safe zone' is a proportionate measure towards achieving the legitimate aim of protecting women's rights to access medical services.

12. Which category below includes your age?

Prefer not to say

13. Do you consider yourself to have a disability?

Prefer not to say

14. What is your gender

Prefer not to say

15. Do you consider yourself to be transgender?

Prefer not to say

16. Are you?

Prefer not to say

17. What is your sexual orientation

Prefer not to say

18. (For women only) Are you?

Prefer not to say

19. What is your religion/belief?

No religion

20. Which ethnic group do you consider you belong to?

(leave blank)

For more details, information and evidence, contact Humanists UK:

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