

Consultation on a Public Spaces Protection Order for the Rosslyn Road area

British Pregnancy Advisory Service response

The British Pregnancy Advisory Service (BPAS) is a British reproductive healthcare charity that offers abortion care, contraception, STI testing, and pregnancy counselling to nearly 80,000 women each year via our clinics in England, Wales, and Scotland.

BPAS has run the clinic on Rosslyn Road in Richmond for many years, providing services for women in South West London and specialised treatment for women from around the UK.

As part of our advocacy work, we have been running the *Back Off* campaign to introduce buffer zones around abortion clinics and pregnancy advisory bureaux since 2014. This is based on the evidence we collect from our clients and members of the public that indicate protests outside clinics are distressing and intimidating.

Position on PSPO proposal

BPAS fully supports the council's proposed Public Spaces Protection Order as an essential move to protect women's rights when accessing legal, essential healthcare.

Further information is provided here as to the experience of the BPAS Richmond clinic on Rosslyn Road, and the impact of protests on our clients, people who attend with them, and the local area.

If any further information is required, please contact rachael.clarke@bpas.org.

Background

Clinic Protests

Clinic protests are a form of activity used by anti-choice protesters to deter or prevent women accessing abortion care. They take many forms, including the display of graphic images of dismembered fetuses, marches that end outside the clinic, filming women and staff members, following women down the street and thrusting anti-abortion literature into their hands, sprinkling sites with holy water, and 'vigils' - large gatherings of people who sing hymns and recite dedicated anti-abortion prayers loudly enough to be heard inside clinics. These protests usually last several hours a day over a number of weeks or months. In several cases around the country, including in Richmond, protests have continued for many years. Despite the distress, harassment, and intimidation women report experiencing as a result of these activities, existing criminal legislation has been ineffective at addressing the harm caused.

The *Back Off* campaign

As part of the *Back Off* campaign we have gathered reports from clients, people accompanying clients, local residents, healthcare workers, and passers-by about their personal experience of clinic protests.

We currently have 2060 individual reports of activity in our *Back Off* database, and a further 120 statements from healthcare workers as to their experiences of protests. This evidence-gathering

has shown 45 clinics affected by protests across the UK since the beginning of 2017. The recent Home Office review of clinic protests found that around the country, 1 in 10 sites where abortions were provided had been subject to protests in the last year.

944 of the reports in the Back Off database, including 463 reports from people who do not work for BPAS (clients, client escorts, local residents, and passers-by) refer directly to BPAS Richmond on Rosslyn Road.

Terminology

It is important to note that those engaged in these gatherings do not consider them protests. 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'. What these activities have in common is that they are methods of sharing speech rather than the content of the speech itself. BPAS do not believe that anti-abortion groups should be prevented from sharing their opinions. Their beliefs and their ability to share them is a fundamental part of democratic society. What we are opposed to is the methods and location they choose to employ.

Action taken by Ealing Council

In April 2018, after a lengthy period of negotiation, discussion, and consultation, Ealing Council introduced a Public Spaces Protection Order (PSPO) outside the Marie Stopes abortion clinic on Mattock Lane. This 'safe zone' extended a significant distance along Mattock Lane, preventing protesters standing outside the clinic gates.

Until this PSPO came into force, several protesters were present every day, increasing in number on Fridays and Saturdays. Reports received by the Back Off campaign highlighted the handing out of leaflets and rosaries, standing immediately by the entrances, approaching clients, displaying signs and posters, singing/chanting, shouting, obstructing, and following clients. More recent reports indicate that the PSPO has stopped this activity, and that local residents, clients, and clinic staff are no longer subject to distress, harassment, and intimidation as they either access services or walk through the area.

The Ealing PSPO was subject to a legislative challenge in the High Court, partly on the grounds that it unduly interfered with the protesters' Article 9 and 10 rights. **The Court dismissed this claim and the Ealing PSPO was upheld in full** – acknowledging that although the PSPO interfered with the rights of protesters, it was justified in order to uphold the rights of others in the vicinity, notably the Article 8 right to a private and family life.

The ruling also made clear that when considering behaviour that has 'had a detrimental effect on the quality of life of those in the locality', people attending the clinic or working at the clinic should also be considered, and that experience should not simply be limited to local residents.

BPAS Services

Most women attend BPAS clinics to discuss their pregnancy options and to access abortion care. This care can take place all on one day, or over several days with a number of visits involved if that is what the woman prefers. Treatment includes a number of stages. The information included here should make clear that the healthcare provided by the BPAS clinic on Rosslyn Road is thorough and fully-regulated, including the availability of pre- and post-abortion counselling, and the provision of options to all women we see. This stands in sharp contrast to the claims made by protesters to vulnerable clients.

Consultation

The process begins with a pregnancy options discussion to explore a woman's feeling about her pregnancy and to discuss whether to continue with the pregnancy and become a parent, continue with the pregnancy and pursue adoption, or end the pregnancy. Although many women are certain of their choice when they book an appointment, other women are keen to discuss their options. Women are able to book more time and speak to a counsellor in depth if they are unsure of their options.

Women are always seen on their own during the consultation to ensure they are not under any pressure to make a particular decision. If any concerns are raised by the woman or about her situation at this point, trained safeguarding staff may become involved. Clinic activity can and does include, for instance, the clinic phoning police and related services about an abusive partner and the woman going directly from the clinic to a refuge; involving social services with concerns about Child Sexual Exploitation for the girl involved; and reporting concerns about existing children who are at risk of domestic violence.

Roughly 20% of women who book an initial appointment with BPAS do not proceed to treatment with us.

Medical assessment

If a woman decides, after her consultation, to end her pregnancy, then medical assessment takes place with a qualified nurse or midwife practitioner. Women are asked about their medical history and given an ultrasound scan to determine the gestation of the pregnancy and to ensure that the pregnancy is not ectopic.

Women are tested to see whether their blood is rhesus positive or negative (to ensure that future pregnancies are not harmed by their body's response to a Rhesus positive pregnancy).

Women are also offered STI testing and contraception counselling to help them with future care.

The nurse or midwife then discusses the options for termination – medical or surgical, with different procedures depending on gestation. All options are provided at BPAS Richmond apart from late medical.

Finally, known risks and complications are explained, any questions are answered, and women sign a consent form to say that they understand the potential risks of any treatment.

At this point, the completed forms are submitted for approval by 2 doctors. As a legal requirement, two doctors must review each woman's notes and authorise the abortion before any treatment takes place.

Treatment

Women may be treated on the same day if staff are satisfied they are certain of their decision or may return on another day (particularly in the case of surgical procedures).

If a woman opts for an early medical abortion (EMA) she is provided with her first set of medication (mifepristone) and then the second set (misoprostol). Currently both sets must be taken on the premises and cannot be taken at home. Side-effects include dizziness, nausea, vomiting, and diarrhoea. Miscarriage symptoms typically begin around two hours after taking misoprostol but can begin earlier.

If a woman opts for surgical treatment, the process will depend on her gestation. For instance, a

Vacuum Aspiration (up to 12-14 weeks) can be performed using local anaesthesia and take 5-10 minutes; whereas later procedures may require women to return on consecutive days and take place under general anaesthesia.

Foetal anomaly

Nearly 100 women in 2017 attended the Rosslyn Road clinic for terminations due to foetal anomaly (TOPFA). These procedures are more likely to take place at later gestations (after the 20-week diagnostic scan), and are for wanted pregnancies where a family has received a diagnosis of a severe or fatal foetal anomaly. These include genetic disorders such as Edwards' or Patau's Syndrome, problems with spinal cord development such as anencephaly (a fatal condition where the brain has not developed), as well as other issues with development. Women in the position are already often exceptionally distressed, and in many cases may be noticeably pregnant.

Regulation of services

All abortion clinics are registered with the Department of Health and abortion is a regulated activity under the Health and Social Care Act 2012 which means that it is governed by the statutory standards of care and procedures for regulation and governance. The Department of Health also issues standard operating procedures for the operation of independent abortion clinics with specific requirements including the provision of 24-hour aftercare (to enable women to contact BPAS if they are worried about symptoms or side-effects), pre- and post-abortion counselling, contraception counselling and provision, and STI screening.

In addition to legislation and common law provisions, there is also healthcare regulation, regulation of medical professionals, and guidelines for best medical practice. These provisions are common to all other areas of healthcare and ensure that clients are treated in line with best medical practice by qualified providers in appropriately licensed and maintained clinics. These provisions include regular inspections of abortion clinics by the Care Quality Commission with full reports published online.

The Rosslyn Road clinic

BPAS is a healthcare charity that is the largest national provider of abortion services. These services are commissioned by CCGs to provide NHS-funded care to women from their local area. BPAS provides a national booking service that enables women to book an appointment anywhere that is convenient for them, which is then funded by their local CCG.

BPAS Richmond on Rosslyn Road provides abortion services and related healthcare advice and services to around 5000 women a year. Around 50% of these women attend from London and CCGs local to Richmond, and the remaining 50% travel from elsewhere in the country, predominantly for specialised care.

BPAS Richmond is licensed to provide surgical abortions up to 23 weeks and 6 days. There are only 11 sites in the UK that provide this service, so some clients have travelled exceptionally long distances to access this care (eg from Scotland).

BPAS Richmond treats women of all ages. In 2017, the clinic treated 270 young women under the age of 18, including 67 girls under the age of 16. These young women, despite their statutory and regulatory safeguarding needs, would be subject to protest activity and the advertising of unregulated 'alternatives' at the clinic gate.

Protest Groups

The proposed Public Spaces Protection Order would not be targeted at any particular group, and thus evaluation should take into account the types of activities seen outside the clinic by all groups who have been involved in protest in recent years. BPAS Richmond has experienced protests from number of different groups who seek to reduce the number of abortions that take place. These include:

- **The Good Counsel Network** – London-based ‘pro-life’ group which also attends Marie Stopes on Mattock Lane in Ealing and Marie Stopes on Whitfield Street in Central London. They class themselves as ‘pavement counsellors’ who also hold ‘vigils’. The hallmarks of this type of activity are prayer and attempting to speak to women on the street as they try to access the clinic, as well as providing literature and rosaries. There are usually between two and five people present from Good Counsel Network at any given site during clinic opening hours – some paid and some volunteers.
- **Helpers of God’s Precious Infants** – Helpers UK are an international group that are predominantly linked with local Catholic churches. Their attendance is usually in the form of a procession to the clinic, a ‘vigil’, and a return procession. This is usually a larger group who begin at St Margaret’s Church, carry with them an icon of the Virgin Mary, and then pray and sing immediately outside the clinic for around 90 minutes. This type of activity happens several times a year – last on the 8th December 2018.
- **40 Days for Life** – 40 Days for Life have been present a number of times at BPAS Richmond, starting in autumn 2013. 40 Days conduct two 40-day long ‘vigils’ outside clinics during Lent and in autumn. These often include being outside from 7am – 7pm, prayer, posters, and the handing out of leaflets. 40 Days campaigns differ in intensity and tactics depending on their leadership and location – it is not possible to predict what kind of impact a presence would have in any given place.
- **Local protesters** – Several seemingly non-affiliated protesters have also been reported to the clinic, most notably two protesters in November 2017 who were filming the entrance despite being asked to stop by clinic employees. This only ceased when the clinic manager went outside and started to film them with her phone.

Snapshot of Activity: 8th November 2018 – 8th December 2018

During the course of the PSPO consultation, clinic staff asked clients and those accompanying them whether they wished to share their experiences outside BPAS Richmond with the council. This has provided us with a snapshot of activity and its impact.

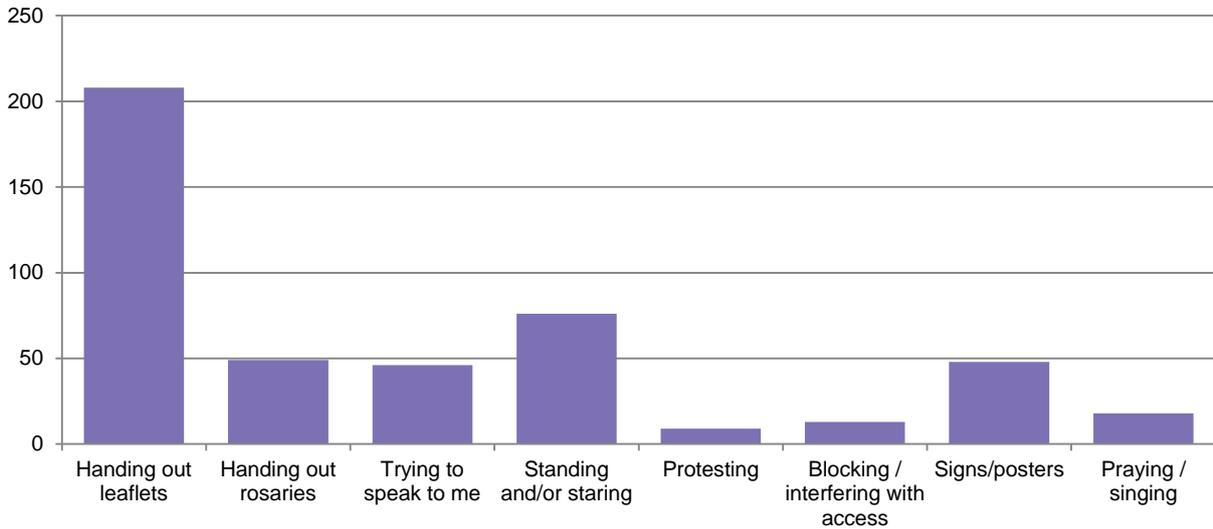
Between 8th November and 8th December, we received 323 written comments from clients and those accompanying them to their appointments.

- Descriptions of activity were largely similar – with reports detailing somebody stood by the gate handing out leaflets and trying to engage with people entering the clinic, and additional people on the other side of the road with signs and posters opposing abortion
- Both women and those accompanying them consistently reported the negative impact of protesters, including feeling judged and being made to feel guilty, being upset by the activity, and being made to feel embarrassed and uncomfortable
- Almost all respondents supported the introduction of a buffer zone – and none opposed it, even where they felt the protest had an impact on them personally

Incidents reported

Based on the responses received from clients and those accompanying them during this period, we have counted the frequency of direct references to specific activities taking place outside the clinic. This should be considered in light of what clients themselves might notice when approaching the clinic, and not an exhaustive account of tactics used.

**Activities reported to BPAS by clients/escorts
8th November - 8th December 2018**

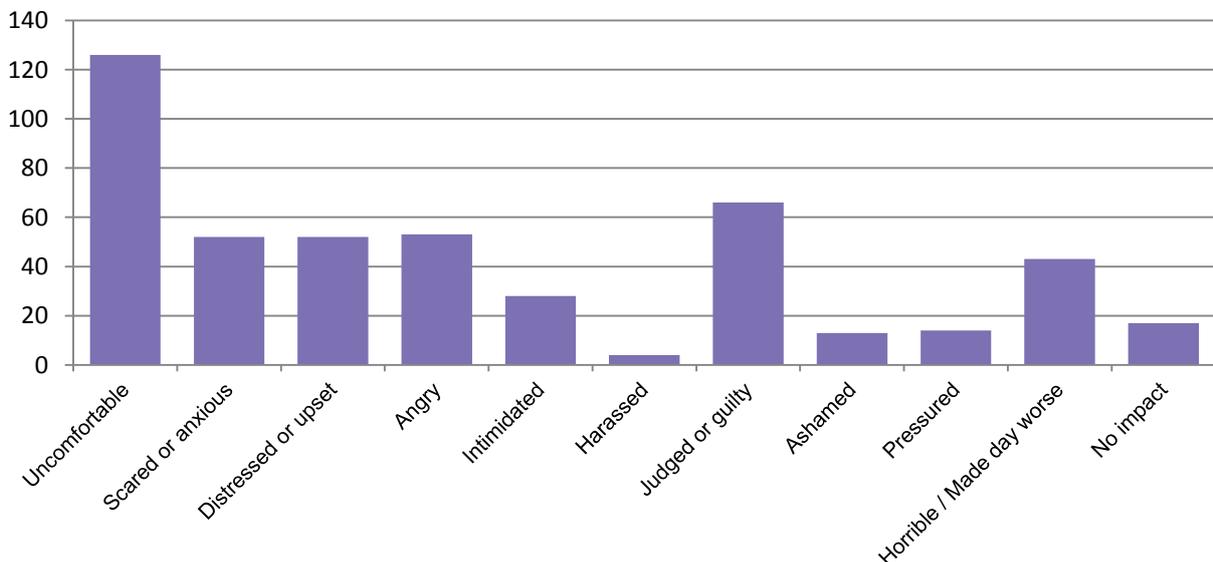


Feelings in relation to protest activity

Clients and those accompanying them are also asked to share how they feel about the protests. This chart details specific references to feelings evoked by the protests outside the clinic.

It is important to note from these two charts that although from the outside activity can appear innocuous (such as standing and praying, distributing leaflets), the impact on clients is sizeable.

**Feelings of clients/escorts as reported to BPAS
8th November - 8th December 2018**



Key themes

Many women report feeling **distressed** by the presence of protesters and their activities – many highlight that this is especially true because of the situation they are in, in which they have often already made a very difficult decision.

- Client, 17 November 2018 *“[The protesters were] handing out leaflets at the gate, swinging rosary beads, and telling me to choose life rather than murder. [It made me feel] uncomfortable, upset.”*
- Client, 30 November 2018 *“[The protesters were] standing outside the entrance – tried to hand us things. [It made me feel] ashamed, angry, misunderstood. We have tried for a long time, including IVF to have this baby – this outcome was not what we wanted.”*
- Client, 20 November 2018 *“[They were] showing pictures and trying to hand one a leaflet. [It made me feel] awful – started to cry.”*
- Client, 21 November 2018 *“Handing out leaflets, harassing patients, saying inappropriate comments. [It made me feel] awful. Like I’m a horrific person. Like my body isn’t my own. Like I’m a murderer.”*
- Client, 28 November 2018 *“[The protesters were] displaying religious messages, approaching individuals with leaflets. [They made me feel] horrible, guilty, shaken up, nauseous.”*
- Accompanying a client, 5 December 2018 *“[The protesters had] plaques, religious messages, were handing out crosses, staring as you approached. [It made me feel] uncomfortable. Unable to block or avoid these messages from partner.”*
- Client, 8 December 2018 *“[The protesters were] chanting and following people. [It made me feel] horrendous.”*

Women also report feeling **scared and intimidated** by the protesters – often as they are unsure what to expect and protesters can be present in groups and very close to the entrance of the clinic.

- Client, 8 November 2018 *“Bothering and upsetting other clients and myself. [It made me feel] fearful, upset, and anxious in a place that I should feel safe.”*
- Client, 17 November 2018 *“Standing outside, holding leaflets. We didn’t see what was on them because we managed to take a different route in and avoid her. Gave us dirty looks and muttered at us after. We felt pressured into finding a different route in. Felt attacked and intimidated, scared to hear what she was going to say/see what she wanted to give us. Makes an already unpleasant and traumatic experience ten times worse.”*
- Accompanying a client, 10 November 2018 *“One was blocking the entrance gate, handing out/forcing leaflets upon people entering. Three others standing opposite with holy sign, praying. Extremely distressing for my daughter, who is already suffering from extreme anxiety. It is also intimidating and judgemental.”*
- Client, 16 November 2018 *“Handing out leaflets and plastic rosary beads. [It made me feel] uneasy, targeted, unsafe.”*
- Client, 27 November 2018 *“Standing/sitting in front of the clinic, trying to talk to me and to give me information papers. I felt very uncomfortable and it was no good feeling, very unsafe.”*

- Client, 8 December 2018 *“[The protesters were giving out] leaflets – trying to communicate. [It made me feel] intruded [upon], more nervous about my procedure, less worthy.”*

Women report that the presence of protesters, even if they have no engagement with them, causes them to feel **guilt, shame, and pressure to change their minds**, and to feel that they are being **judged**.

- Accompanying a client, 24 November 2018 *“[They were] setting up and staring at us as we walked past, muttering all the while. [They made us feel] like we shouldn’t be here.”*
- Client, 8 November 2018 *“Offering leaflets and rosaries. There’s posters with babies and bible quotes. A lady said a prayer as I walked in. [It made me feel] guilty, bad. I felt very judged.”*
- Accompanying a client, 21 November 2018 *“Standing outside and opposite the clinic – handing out flyers and also had posters beside them. [It made me feel] embarrassed and as if going into the clinic was almost evil – as if we were taking a life.”*
- Client, 8 November 2018 *“[They were] pressuring me against my decision. Showed me a model of a foetus. I felt pressured and shamed as this was already a difficult decision to begin with.”*
- Accompanying a client, 7 December 2018 *“They walked up towards me and my sister as soon as we got near the gate. They were trying to give us leaflets. The presence of the protesters made me and my sister feel awful. This is a hard enough thing to do as it is without people judging you and making you feel worse.”*
- Client, 8 December 2018 *“[They were] standing across the road. [They] made me feel even worse about my decision and made me feel like I’m a horrible person.”*
- Accompanying a client, 4 December 2018 *“[The protesters were] influencing our decision that we already had a hard time going through. [They made me feel] like we were doing something wrong, angry, every situation is different.”*
- Accompanying a client, 28 November 2018 *“[They were trying to] give me religious items and offer advice. At the same time, they insinuated that we will go to hell. [They made me feel] like me and my girlfriend were monsters.”*

Many women and their escorts are understandably **angry** with protesters for attempting to infringe on personal healthcare decisions, often in a way that draws attention to the purpose of the clinic and why they are going there.

- Client, 21 November 2018 *“Standing directly outside gate to building, trying to talk and hand out leaflets/necklaces. [It made me] angry because we’re ending a wanted pregnancy due to fatal condition.”*
- Accompanying a client, 6 December 2018 *“They had moved from opposite the front entrance on the other side of the road – to right at the main gate. I feel angry, frustrated, emotional.”*
- Client, 25 November 2018 *“[They were] handing out leaflets. [It made me feel] extremely angry and upset. Women do not exactly relish having to come here. They should not have to put up with that.”*

- Client, 8 November 2018 *“Staring at women approaching the clinic. Made me feel uncomfortable and angry during an already stressful and upsetting situation.”*
- Accompanying a client, 14 November 2018 *“Standing right next to main gate entrance with leaflets and rosary beads. Opposite front door with posters and pictures. My daughter felt angry and intimidated.”*
- Accompanying a client, 28 November 2018 *“Made me feel angry as they don’t know people’s circumstances and making people feel upset and scared of their choice and guilty.”*

Their presence can deter women from attending their appointments because they are **fearful to walk past the protesters** – this is particularly true given the location of the clinic where it is difficult to avoid encountering somebody walking up and down Rosslyn Road.

- Client, 7 December 2018 *“[The protesters were] handing out leaflets and rosaries. 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.”*
- Accompanying a client, 24 November 2018 *“Offering rosary beads and protesting that abortions are horrible. It made my partner very upset and confused almost to the point that she didn’t want to come near the building.”*
- Accompanying a client, 17 November 2018 *“Blocking the gate handing out leaflets. Lady had wandered down the road and almost ran to intercept us. [Made us feel] uncomfortable and pressurised.”*
- Client, 27 November 2018 *“[They were] standing outside of the clinic. They did not approach me or say anything to me. [They made me feel] extremely uncomfortable and anxious. I actually went round the side of the clinic to gain access to the front door without having to come into contact with them out of fear of what they may say or do. Making a decision like this is hard enough as it is without being judged.”*
- Client, 23 November 2018 *“Trying to speak to me as I walked in and when I tried to ignore them, they tried to give me a leaflet. Hence why I had to end up taking the side entrance.”*
- Accompanying a client, 1 December 2018 *“Stopped at gate, given a leaflet, tried to get into a conversation, said there was other ways, tried to change my wife’s mind. [It made me feel] awkward, worried, didn’t want to talk to them, nervous about going past them.”*

Protests in the longer term

In recent years we have received **122 reports from people external to BPAS** (ie clients, people accompanying clients, local residents, passers-by) about protest activity outside BPAS Richmond.

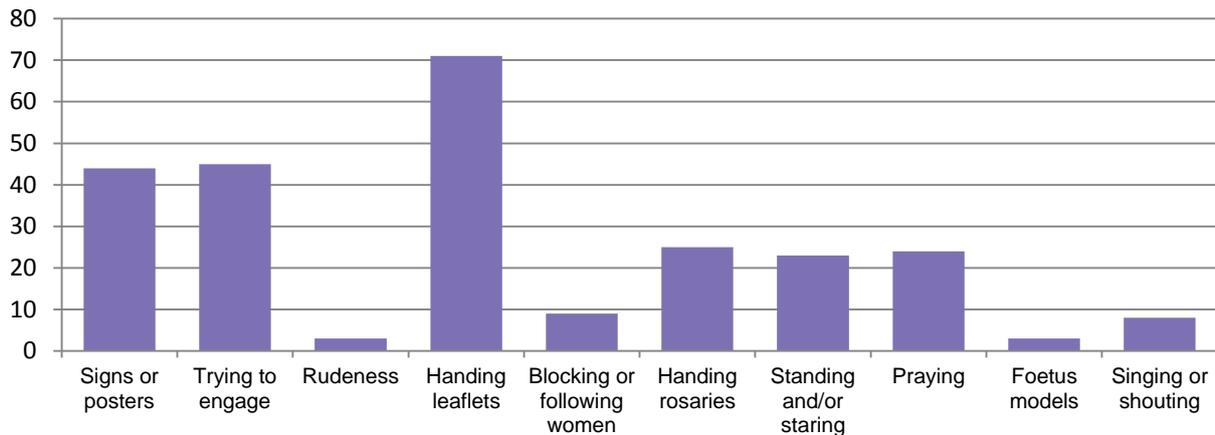
- None of the feedback we have received about the protest has been positive.
- Concerns are primarily raised about **intimidation, harassment, distress caused to women attending the clinic, and the impact of the protests on the local area**
- 71 of these comments are from clients, 18 are from client escorts, and 28 are from local residents or passers-by

- The earliest report of activity we have is from 2003, with all but six occurring after 2014 when the Good Counsel Network began attending on a daily basis.

Incidents reported

Based on comments received prior to 8th November 2018, we have counted specific references to activities as they are reported to have occurred outside the clinic. These reflect what clients and their escorts experienced when entering and leaving the clinic, as well as reports from local residents on what they have observed on Rosslyn Road.

Activities reported to BPAS re: BPAS Richmond Prior to 8th November 2018

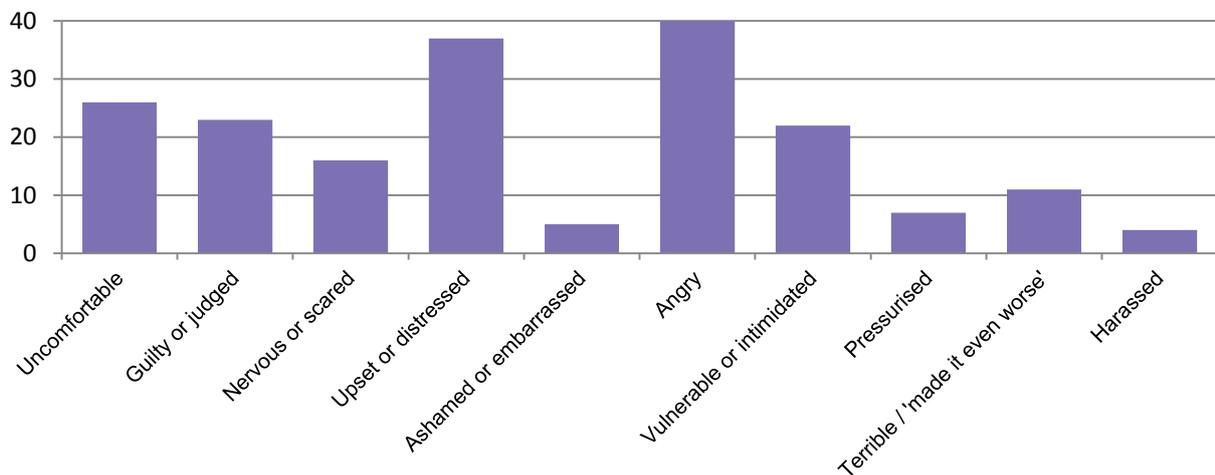


Feelings in relation to protest activity

Anybody who contacts BPAS through our online form to report clinic activity or using a client comment form in a clinic is asked to share not only the activity that takes place but how it makes them feel.

It should be noted that the make-up of feeling differs in long-term responses compared to the snapshot data earlier. This reflects the different make-up of respondents and when former clients contact us via our website, the time they have had to reflect on their experience.

Feelings reported to BPAS about protest activity Prior to 8th November 2018



Noteworthy incidents

Although protest activity is regular and persistent outside BPAS Richmond, some incidents are worth noting separately owing to their severity.

- **November 2017.** Clinic manager reported that a client in the consultation centre was upset as two protesters outside had a handheld video camera and were filming the entrance to the clinic. A member of staff asked them to stop and they laughed. They only departed when the clinic manager got her phone out and threatened to film them.
- **March 2017.** Report received from clinic manager – “Client attended yesterday with her partner who did not want her to have an abortion. Client has advised us that he is violent towards her. Today client attended alone for the EMA [Early Medical Abortion] 1st part. Whilst here at the unit she received a call from her partner saying he knows that she is here. Also she received a text message from one of the protesters telling her not to go ahead with the abortion. It has transpired that the partner gave one of the protesters his and her mobile numbers.”
- **December 2016.** Internal report. “A client’s father got really upset as a protester touched his daughter’s arm and tried to give her rosary beads. He started to shout at the protesters and the protesters called the police. Police arrived and spoke to the client and her parents. Police stayed until client had finished her consultation to ensure that there was no more trouble when they left the building.”
- **July 2016.** Internal report. “A man arrived at mid-day – he laid down near the gate – protesting about ‘all the dead babies’. Police called – very little they could do.”
- **January 2016.** Footage from C4 Dispatches television programme ‘Britain’s Abortion Extremists’ of Justyna - an employee of the Good Counsel Network outside BPAS Richmond (copy available upon request). Justyna tells the undercover reporter of incidences where she had provided medical advice to women who had been told by doctors that their health was at risk if they did not have an abortion. Dispatches says they film her telling two women that their doctors might have got it wrong. Justyna provides no evidence that she has any medical qualifications. She tells the undercover reporter: “She said she’s not well and she said that she has heart problems so she said, you know, they advise her abortion. I said you know you can take the baby out even earlier because you know the babies can be treated even at 23 weeks outside the womb... Sometimes they don’t survive but at least, you know, the baby, there was a chance, you know what I mean?”

Key themes

Protesters can be **intimidating** to clients and local residents, by their actions and by their presence alone.

- Client, 2018 *“I went 3 times, there were always 2 of them standing outside. One man opposite was standing and staring at me with graphic pictures and signs while a woman right next to the entry tried to give me leaflets and tried to talk to me. Very intimidating, [it made me feel] sad and guilty. Even though they weren’t aggressive, it still had an impact on me.”*
- Local resident, July 2018 *“On 6 July 2018 I passed by at 12:45 and found there were another 3 people, 2 men and another woman, standing silently facing the clinic across the road. They were spaced at about 3 yard intervals, not together or talking, just standing in a row watching. I found it creepy and intimidating.”*

- Passer-by (canvassing for May elections), April 2018 *"We walked past, and I glanced down at [the protestor's] bag and the slogan as we went by. This appeared to irritate him as then he got up and started to follow us up the road. He shouted after us: 'what political party are you from?' (We were wearing badges.) We ignored him. He shouted again: 'So you think it's OK to murder babies, do you?' We walked away from him."*
- Client, 2015 *"I had just spent two days with the clinic and on both days that I attended they were stood right outside shouting and making themselves heard. In my last day there I had stepped out the front door and walked down the steps to which I was swarmed upon by a lady shoving a leaflet in my face saying 'it's not too late' and even one lady saying 'have you already done it'."*
- Client, January 2015 *"Protester came out into my face, stopped me in my way and forced upon a leaflet for me to take. As I looked at the leaflet it was against abortions. I was left feeling very upset."*

There are many reports of clients being **upset and distressed** by the protesters – this can be exacerbated for women who are attending the clinic for terminations for medical reasons or foetal abnormality who are also handed leaflets calling them 'mum'.

- Client, 2018 *"[They made me feel] scared, upset and ashamed. My husband and I were there for termination due to foetal anomaly and so were already very distressed by the situation. The sight of them standing there at the entrance gate at the front of the building meant we felt we had to walk around the side of the building to gain access to the property, with our heads down as we walked past them already inside the gate to get to the main front entrance. They did not make contact with us in the end. It added additional unwanted and unnecessary stress and upset on an already devastating day."*
- Client, April 2018 *"[The protesters were] making a terrible situation even worse. [They made me feel] terrible. After telling them not every situation is cut and dry. It made me cry, shake."*
- Client, 2018 *"I was so worried about walking into the clinic. On approach to the Richmond BPAS I was already feeling anxious and emotional. When I saw the protesters my feelings were heightened and brought me to tears; And this was before I even had to walk past them."*
- Local resident, 2014 *"Before the first time I saw the posters of dismembered babies, I did not realise there was an abortion clinic in my neighbourhood. There was nothing to signal that the building was any different from the other ones. I had had my first miscarriage a few months before and it was still heavily on my mind. Seeing those dead babies reminded me of that awful time. I was upset, and angry of being so graphically reminded of it."*

There are many reports of clients and escorts feeling that they are being **blocked, followed, or interfered with** by protesters – often those who are standing immediately by the gate. Women also report that they decline a leaflet or to speak with a protestor but the protestor continues to approach them.

- Client, June 2018 *"I had one push past my mother to try and hand me a leaflet and also had someone follow us up to the door and take a picture which would of got me from behind."*

- Local resident, 2018 *"[The protesters] lurk around the gate and get right up in [the clients'] faces and keep talking even when they have been told their advice is not welcome."*
- Client, 2017 *"They handed me a leaflet as I entered, nauseous and terrified, and told me they could save me. One of them held a huge placard with bible quotes. They changed throughout the day with more graphic images as the day progressed – aborted fetuses accompanying bible quotes seemed like an oxymoron to me. The protester as I left said a prayer for me and followed me down the road until I got in my car."*
- Client, December 2017 *"[The protesters were] stopping me from going in, gave me a leaflet and said 'this is your child'."*
- Client, January 2015 *"Today I felt harassed by the "pro-life" anti-abortion campaigner outside of the clinic who refused to take no for an answer when she gave me a leaflet. She told me I was condoning murder."*

Women routinely report feeling **guilty and that they are being judged** by the protesters for their choice. This can be exacerbated when Helpers of God's Previous Infants 'vigils' take place multiple times a year which involve hymns and group prayer, some of which can be heard inside the clinic.

- Client, December 2017 *"[The protester was] shaking her head at me and genuinely making me feel really guilty like I'm killing a life. She was disgusted. Made me feel so guilty and awful."*
- Client 2017 *"[They were] handing out rosary beads, leaflets. Worst of all, they were singing songs when I was in the waiting room, could hear them through the window. It made me feel horrific and so so so angry."*
- Client, November 2016 *"They would walk up to you before even getting to the clinic and bother you about feeling guilty about doing this to a child. As this was a medical reason and not personal choice I felt very hurt and it was uncomfortable and even upset me to the point of tears."*
- Client, October 2016 *"She advised me to steer clear of the clinic as they wouldn't provide me with the help I needed. She also gave me a pamphlet. It made me doubt my decisions as she guilted me in my choice. In the pamphlet there was also a letter/poem from 'your baby' which was also quite distressing."*

Protesters routinely use **religion and prayer** to exacerbate women's feelings of guilt, and evoke concepts such as hell and sin as they engage with women outside the clinic.

- Client, September 2018 *"Rude, explaining that I have made the wrong decision and I should end up in hell!!! Not exactly the best feeling when you are going through a stressful and traumatic time and being made to feel not worthy of anything"*
- Client, October 2016 *"They told me having an abortion was a sin, they gave me a necklace and told me I would have a girl."*
- Client, October 2014 *"I was walking to the clinic this morning around 8, a lady approaches me at the entrance stating she works with some charity - thought she was part of the clinic team, then she started advising me and making me aware of an abortion procedure (that it is against religions, killing a soul that God wants in the world for a*

reason, stating she will be there for me emotionally, physically and financially). I was feeling embarrassed badly in front of the others walking by. I would love to place a complaint about the feeling she made me feel in a very hard day for me. And it's the wrong place for her to be."

Staff experience

Direct responses to consultation

Almost 50 BPAS staff have provided responses to the council consultation detailing their personal and professional experiences of protest activity.

Staff strongly support the introduction of a buffer zone, and many provide examples of the distress caused to clients by the presence outside.

The council has also received a letter from the BPAS Richmond Clinic Manager detailing the impact on his staff and patients and urging the introduction of a buffer zone.

Wider experience

As part of the Home Office review earlier in the year, Richmond staff shared some of their experiences of clinic protests at Rosslyn Road. These include the impact of protests on their own personal wellbeing, as well as their experience treating clients who have encountered protesters outside and are often upset.

- Staff member, BPAS Richmond – *"[I feel] very intimidated. Every day now I enter and leave work via the back door to avoid the confrontation and them running towards me as I walk in the front gate. They can be persistent when I and other people have told them we do not want to engage with them. I don't leave work to go for lunch anymore because I don't want a conflict. I sit away from the staff room window so they cannot see me eating my lunch inside work. I have had to advise my sister and partner to come via the back door when collecting me from work to avoid them. I am cautious about driving my car to work so they don't know the car I drive or my number plate."*
- Staff member, BPAS Richmond – *"I have been called a murderer when I walked a woman from her car as she felt unable to walk by the protesters. She rang us from her car sobbing – as I walked in with her they shouted that I was going to murder her baby."*
- Staff member, BPAS Richmond – *"Clients are incredibly stressed. They often factor the protesters into their decisions regarding treatment. An early medical abortion over 2 days is the most effective form of a safe procedure, but clients will often say to me that they have made the choice to have a simultaneous early medical abortion (where both pills are taken on one day) because they don't want to face the protesters again when they return to the clinic."*
- Staff member, BPAS Richmond – *"One of my clients disclosed at the end of the consultation that a lady stopped her outside, grabbed her arm saying to not kill her baby because they will help. The client told me that was very upsetting and made her nervous. She asked me if I considered her a killer because she knows that she cannot manage to support her child."*
- Staff member, BPAS Richmond – *"I remember one woman who turned away, intimidated by the protests, she felt like she was being judged - only to return 4 weeks later when she was 20 weeks. It seems that they only succeed in delaying things for some women."*

- Staff member, BPAS Richmond – *“Several years ago a protester took my photograph and car registration number.”*

Potential solutions

A Public Spaces Protection Order is the only solution that is both effective and has been supported by the courts in dealing with clinic protests.

BPAS have considered the use of, or are aware of police use of, a number of pieces of other legislation to address the issues presented by clinic protests. None of them were successful. This does not mean that harm was not being caused, merely that law and order legislation is largely ill-equipped to deal with the unique mix of tactics, targets, and location that combine to cause those that experience them harassment, alarm, and distress. Proposals have included:

- **S5, Public Order Act 1986 (used).** 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.
- **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 is generally inappropriate for use outside abortion clinics as it requires a course of conduct against an individual rather than a location or organisation, which is not usually the case given the number of times clients attend clinics; and it also 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.
- **Part 3, Anti-social Behaviour, Crime and Policing Act 2014 (considered).** 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 and assembly. Given our experience of different police forces, we are not confident that police would accurately balance these freedoms.
- **S61 and S68, Criminal Justice and Public Order Act 1994 (considered).** These set out the offence of aggravated trespass – where a person trespasses on land and, in relation to any lawful activity which persons are engaging in, does anything which is intended to have the effect of intimidating those persons so as to deter them from engaging in that activity. It was concluded that trespass takes place only in very isolated circumstances and would not address the vast majority of protest activity.
- **S3A, Protection from Harassment Act 1997 (considered).** This allows for civil injunctions to be taken out in relation to harassment. It is our opinion that an individual civil remedy for this persistent 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 Human Rights Act, 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.

Appendices

Please find attached the full database of submissions from clients, escorts, local residents, and passers-by to BPAS and the Back Off campaign about protests outside BPAS Richmond. These have had personally-identifiable information including postcodes and contact details removed but are otherwise unredacted.

Accounts timestamped '1 January 20xx at 00:00' should be read as occurring at some point in that year (without specific date information provided).

Contact

Please direct any questions or requests for further information to:

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