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## Position Paper: The need for Safe Access Zones

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### About Marie Stopes UK

Marie Stopes UK is an independent provider of abortion services throughout England, where we provide care to more than 62,000 women every year in 50 locations across the country. Our services are commissioned by Clinical Commissioning Groups (CCGs) all over England to provide NHS abortion care, and we also provide abortion care privately. In 2018, around 96% of our clients had their abortion care funded by the NHS.

Abortion is the most common medical or surgical gynaecological procedure performed in the UK, and one in three women in Britain will have an abortion by the time they are 45.<sup>i</sup> Our clinics support and care for those who choose to access their legal right to an abortion as outlined in the 1967 Abortion Act. We also operate a 24-hour contact centre, where clients can make enquiries, book consultations, counselling and abortion care appointments, and speak to a nurse for aftercare advice.

We are regulated by the Care Quality Commission (CQC), with regular inspections to assess the quality of our services in 5 key areas: safety; effectiveness; care; responsiveness; and leadership. All Marie Stopes UK centres that have been inspected and issued a rating have been assessed as “Good”, meaning that the service is performing well and meeting the CQC’s expectations.

Every year we publish a Quality Account, as required under the Health Act 2009 and the National Health Service (Quality Accounts) Regulations. This Quality Account outlines our progress in service quality improvement and innovation. Our most recent Quality Account for 2018/2019 is available on the [Marie Stopes UK website](#)<sup>ii</sup>.

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### Harassment outside of abortion clinics

Over the past 25 years many of our centres and clinics have been targeted by anti-abortion individuals and groups gathering outside. Their activity has included:

- Watching or videoing service users, team members, and contractors entering the clinic
- Trying to intercept people on their way into the clinic
- Distributing medically incorrect information
- Calling out “Mum”, “murderer”, “baby killer”
- Displaying religious messaging
- Displaying plastic foetus models and graphic images
- Standing with children and breastfeeding babies in view of waiting rooms
- Throwing water, spreading salt, and lighting candles around the building
- Loud singing which is audible from the clinic
- Following service users and team members up the street
- Physical and verbal aggression
- Vandalising team members’ property

In the past 24 months, anti-abortion groups have had some form of presence at every one of our 8 largest Centres across England. As part of a Home Office review of harassing behaviour outside of clinics, our team members working at the Centres said they come face to face with protestors “frequently”, or “every week”.

Many people use the term “protestor” or “protest” to describe the individuals, members and activities of these groups that gather outside of our premises. Although two such groups claimed during last year’s Home Affairs Select Committee questions, that they are not protesting but are trying to engage in “pavement counselling”, in this briefing we may use the term protest/protestor as it is the most common publicly used word to describe this range of activities.

Marie Stopes International supports the right of protest, association, peaceful assembly, and freedom of expression; and the right to hold religious or other beliefs. We also support the right to access healthcare services with dignity and without being harassed, afraid or intimidated; and the right to respect for one’s private life. These gatherings cause harm and distress to our clients and puts their privacy at risk. A designated Safe Access Zone to prevent harassing behaviour and activities at the premises of all those who provide confidential abortion care services and advice is a simple and effective solution.

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## What is a Safe Access Zone?

A Safe Access Zone, also commonly called a Buffer Zone, is an area surrounding the abortion provider premises where specific gatherings and activities that are known to have a detrimental effect on clinic visitors would be prohibited. The official zone is a designated distance around the premises to protect service user’s privacy and confidentiality.

The evidence shows that designated Safe Access Zones are the best way to protect abortion care service users by prohibiting specific activities that cause our clients and team members to feel intimidated, distressed, harassed, afraid and alarmed.

The introduction of Safe Access Zones is based on the principle that the right of assembly and free speech of individuals and groups can be exercised somewhere that does not discriminate against women and pregnant people, or infringe their right to privacy and family life.<sup>iii</sup>

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## Street harassment and women’s rights

Anti-abortion groups that target our facilities specifically focus their attention on those who they believe are accessing abortion care. They are not present when the Centres run vasectomy appointments.

This harassing and intimidating activity is therefore a form of discrimination and targeted street harassment. The discrimination is based on pregnancy, and sex (specifically targeting clients that they perceive to be female and pregnant). As pregnancy and sex are protected characteristics as outlined in the Equality Act 2010, behaviour that unfavourably targets people in this way is against the law.

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## Safeguarding Vulnerable Clients

Given the nature of our work at Marie Stopes UK, many of our clients are vulnerable adults and children who are survivors of sexual assault and coercion, or who are currently at risk of violence, harassment or sexual assault.

All our clients have a consultation appointment, where we assess and flag any safeguarding concerns including domestic abuse, child sexual exploitation, female genital mutilation (FGM), or the need for child safeguarding intervention if there are concerns for the child's safety if the pregnancy is continued. Some clients are not able to access abortion care with us due to their pregnancy being past the 24-week gestation limit for abortion care in Great Britain. Around 20% of these clients have onward social service referrals due to having other children in care, substance abuse, or homelessness.<sup>iv</sup> We also work with a variety of other services to safeguard our clients and their families, including police, domestic abuse charities, Multi Agency Risk Assessment Conference (MARAC) boards, mental health services, GPs and advocates.

Our approach to safeguarding considers the vulnerability of our clients and their right to confidentiality, at the same time ensuring all the necessary steps are taken to protect our clients, our team members and other visitors from abuse or harm.

We define abuse as a violation of an individual's human and civil rights by any other person or persons. Abuse is an act or acts resulting in actual or potential harm to someone's health, wellbeing and / or development, whether it is intentional or unintentional. It can be a single event, or a series of events. For this reason, we consider that the presence of anti-abortion groups outside the clinic pose a risk of four types of abuse: psychological and emotional abuse; discriminatory abuse; bullying; and harassment, whether intentional or not.

### *Reproductive Coercion*

Reproductive coercion is a type of intimate partner violence and can take many forms. Some who are victims of reproductive coercion are forced to become pregnant through contraception sabotage or threats of violence for wanting to use contraception. Some are forced to continue a pregnancy they do not want or are forced to end a wanted pregnancy. Our teams are trained to recognise signs of reproductive coercion, and our safeguarding processes are in place to allow women to tell us their personal wishes for either continuing or ending the pregnancy.

To safeguard against reproductive coercion and to be sure that a person is voluntarily consenting, our client consultations are always private. This means that a client's partner, family member, or companion is not allowed into the consultation or treatment room. If there are any signs of ambivalence to indicate that a client is not sure of their decision, our teams will not proceed. In these situations, our teams suggest that the client can rebook their appointment and return another day after having more time to think, and an offer of a counselling appointment is always available.

It is very worrying to us that individuals and groups who gather outside our clinics attempt to intercept and persuade women to continue their pregnancy regardless of her own personal wishes, often using emotional manipulation, as this is another form of reproductive coercion.

### *Counselling*

Marie Stopes UK clinics have trained counsellors available and clients can book telephone or face-to-face appointments, both before their abortion care appointment and after. Our counselling appointments offer non-directive and non-judgemental talking therapy. Our counsellors don't offer advice, but instead help clients deal with issues and realise coping strategies. Our counsellors often need to provide additional support for those affected by the harassing activity outside. Clinical team members also find that due to the activities outside the clinic, clients require more emotional support during treatment consultation.

Those that gather outside the clinic to offer "pavement counselling" are not trained counsellors and do not offer non-biased nor non-judgemental talking therapy.

### *Informed Consent*

Informed consent is the backbone of our reproductive health services. Informed consent means that before any treatment or procedure goes ahead our teams can be sure that the client knows what will happen during treatment, of the benefits of choosing a particular procedure or medications, and of any risks or known side effects. Informed consent can only be taken if the person is voluntarily agreeing to treatment, without being coerced, and if they have the mental capacity to have understood the procedure that they are agreeing to.

Anti-abortion groups often distribute literature to those entering our clinics, which includes medically incorrect information about the known risks of abortion care. These false claims include stating that breast cancer, suicidal thoughts, alcohol and drug abuse, and eating disorders are all possible complications of abortion. This literature seeks to negatively impact our clients' ability to make informed decisions about their healthcare.

### *Harm Prevention*

We are committed to actively preventing and minimising the likelihood of harm to clients and promoting a culture where abuse of any kind is not tolerated and is dealt with promptly if it does occur. Safe Access Zones are therefore also a safeguarding initiative to protect our clients and teams.

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## The Benefits of Safe Access Zones

**The benefits of Safe Access Zones outside of abortion care provider premises are numerous:**

### *For service users*

- Service users can access legal healthcare services without fear of being confronted, without harassment, without feeling intimidated, and without being presented with factually inaccurate, unregulated information about treatment options.
- They will not have to face emotional manipulation, or reproductive coercion aimed to deny them an informed choice about their healthcare.
- They will be afforded the privacy and confidentiality of any other NHS health service.
- They will not feel that they must travel out of area to access an alternative clinic due to anxiety that anti-abortion groups will be gathered at their local clinic.
- They will not feel that they must rebook a later appointment because they do not want to walk past the anti-abortion groups. They will thus be able to access care in a timely manner.

### *For local police services*

- Local police services would have clear guidelines on how to protect the public and our teams from facing this type of harassment, which falls through the gaps of current law.

### *For abortion care nurses, midwives, doctors, and non-clinical team members*

- For our teams, they will be able to come to work with the knowledge that if people do gather to intercept, harass, intimidate and / or verbally assault them, there are clear police powers that can be called upon.
- They would be able to enter and leave their work premises without fear.

### *For local residents*

- For the communities in which our centres and clinics are situated, members of the public will be able to walk past without encountering graphic images, aggravating or intimidating crowds, or upset clients.

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## **It can be done**

Ealing Council set a historic precedent in 2018 by implementing a Public Spaces Protection Order (PSPO) for the purposes of creating a Safe Access Zone. The council were moved to consider how best to implement a Safe Access Zone with their local government powers, following a petition coordinated by grassroots group, Sister Supporter. It was shown that service users, providers and local residents were being detrimentally impacted by the activities of the groups outside the Marie Stopes West London Centre. The PSPO creates a 100-metre zone around the premises where certain conduct that is known to cause distress to those visiting and passing by is prohibited. In the two years since the PSPO was enacted, the difference to residents, service users, and team members is clear. Privacy is being protected, and team members are noting that service users are not showing signs of distress when attending their appointments. The PSPO is a temporary order and will be in place until 2021.

The Isle of Man legislature understood that anti-abortion activity which aims to distress and coerce people away from making informed healthcare decisions, could become a fixture outside abortion clinics once reform was enacted. In response, it included an amendment in their Abortion Reform Bill 2018 to provide for 'Access Zones' outside of any premises that provides abortion or abortion counselling, as well as outside abortion providers' homes. They recognised the importance of protecting those accessing and providing abortion care from harassment, intimidation and gross invasion of privacy.

For Safe Access Zones to be implemented, there needs to be a clear outline of all behaviours that are known to cause feelings of harassment and intimidation to service users and team members entering abortion clinics. The Isle of Man have stipulated that prohibited conduct within Access Zones as outlined in Part 3 of the Abortion Reform Act 2018.<sup>v</sup>

Considerations would also need to be made as to the distance that a Safe Access Zone would cover. A standardised or set distance may not be as effective in some clinic locations. The Isle of Man Abortion Reform Act stipulates an access zone of 100 metres, however the geography of some clinic locations would mean that service users could still face targeted harassment at this distance.

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## Action is needed by the UK Government

The Home Office response to the 2018 inquiry into harassment outside of abortion clinics concluded that as 36 out of 363 licenced premises for abortion care were targeted in 2017, national Buffer Zones would not be a proportionate response and encouraged local councils to use their powers to implement localised solutions, such as Public Spaces Protection Orders.<sup>vi</sup> This statement drastically underestimates the number of women affected. The five Marie Stopes UK centres that report the most frequent harassing activity outside, cared for over 20,000 clients in 2018 alone, all of whom were at risk of experiencing harassment and intimidation before their appointments. In the past 18 months the number of targeted abortion care premises across Great Britain has risen to 44.

The risk of only enacting Safe Access Zones around some providers is that harassing activities will become focused on areas without this protection. Relying on local councils alone creates a postcode lottery, and can only ever be a temporary measure, with a PSPO lasting only three years.

This is why we need Safe Access Zones around all premises which are registered to provide abortion care services with the Department of Health and Social Care.

### We call on the UK Government to:

- Protect access to legal healthcare and prevent the targeted harassment of women and pregnant people by legislating for Safe Access Zones outside of all registered abortion provider premises in the UK.
- Implement individual, site specific Safe Access Zones as soon a site is approved to provide abortion care and registered with the Department of Health and Social Care.

## Contact

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## End Notes

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<sup>i</sup> Royal College of Obstetricians and Gynaecologists, (2017) "Abortion Care: Our Responsibility". Available at:

<https://www.rcog.org.uk/globalassets/documents/members/membership-news/og-magazine/spring-2017/abortion-care-services.pdf>

<sup>ii</sup> Marie Stopes UK, (2019) "Quality Accounts 2018/2019". Available at: <https://www.mariestopes.org.uk/media/3193/msuk-quality-account-201819.pdf>

<sup>iii</sup> In August 2019, the Court of Appeal dismissed an appeal over a High Court ruling that a public spaces protection order (PSPO) made by Ealing Council establishing a safe zone outside the Marie Stopes West London Centre was lawful. The High Court concluded that the restriction on the anti-abortion groups' rights under articles 9, 10 and 11 of the European Convention on Human Rights (rights to freedom of thought, conscience and religion, freedom of expression, and freedom of assembly and association respectively) by the PSPO was necessary and proportionate. This was based on the evidence and information available, including substantial evidence of our clients feeling that their privacy was being very seriously invaded at a time and place when they were most vulnerable (infringing their article 8 right to respect for private and family life). Court of Appeal judgement available at: <https://www.judiciary.uk/wp-content/uploads/2019/08/Final-Judgment-Dulgheriu-v-LB-Ealing.pdf>

<sup>iv</sup> Marie Stopes UK, (2019) "Annual Safeguarding Report". Available at: <https://www.mariestopes.org.uk/media/3214/marie-stopes-uk-annual-safeguarding-report-2018-1.pdf>

<sup>v</sup> Isle of Man, Abortion Reform Bill 2018. Available at:

[http://www.tynwald.org.im/business/bills/Bills/Abortion Reform Bill 2018 as amended by KEYS.PDF](http://www.tynwald.org.im/business/bills/Bills/Abortion%20Reform%20Bill%202018%20as%20amended%20by%20KEYS.PDF)

<sup>vi</sup> Sajid Javid (Secretary of State for the Home Department), Outcome of the Abortion Clinic Protest Review: Written Statement HCWS958. Available at: <https://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Commons/2018-09-13/HCWS958>