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Sent by email only

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Dear Consultation Team

Re: Abortion clinic safe access zones: non-statutory guidance

The Catholic Union of Great Britain welcomes the opportunity to respond to this Home Office consultation on the introduction of non-statutory guidance for abortion clinic buffer zones or “safe access zones”.

The Catholic Union is a membership organisation that seeks to represent the views and interests of the lay Catholic community in Great Britain and to advance the common good. We are a non-party political NGO, founded in 1870, and we have consultative status with the Catholic Bishops’ Conference of England and Wales. We regularly make submissions to Government and to Parliament and also have an extensive programme of public educational activities.

This consultation invites answers and comments on a range of questions concerning the introduction of buffer zones or “safe access zones”. We will limit our response to those areas where we have suitable expertise and experience to comment. For the purposes of this consultation, we will answer Questions 1, 3, and 9. Please accept this letter as our submission to the consultation.

Background

The provision, access, and regulation of abortion clinics are matters of great concern to lay Catholics in this country. The Catholic Church teaches that “human life must be respected and protected absolutely from the moment of conception. From the first moment of his existence, a human being must be recognized as having the rights of a person – among which is the inviolable right of every innocent being to life.”¹

We note the new offence contained in Section 9 of the Public Order Act 2023 of “interference with access to or provision of abortion services.” The Catholic Union opposed the introduction of this new offence on the basis that it was not necessary and risked criminalising people for what have long been regarded as lawful practices in this country, including private prayer.

We recognise the huge challenges that this new legislation presents the Home Office, the police, and to individuals. The commitment from the Home Office to introduce non-statutory guidance is a welcome step, but it must result in clarifying expectations around what this new legislation does and not does prohibit in practice. Crucially, it must ensure that freedom of thought, conscience, and religion, as set out in the European Convention on Human Rights and elsewhere, are not undermined by the exercise of the powers in this new legislation.

Q1. In your view, are the contents of Section 2 (prohibited activities) sufficiently clear and easy to understand? No.

While we are pleased that Section 2 contains a sub-section on prayer (2.7), in our view the current wording does not go far enough to clarify that individual, private prayer should not be considered an offence under the new legislation or any other law.

Long before the introduction of this new legislation, problems were being created by local authorities introducing Public Space Protection Orders (PSPOs) around abortion clinics in ever more extreme ways. A number of these PSPOs have been the subject of legal challenges both in this country and at the European Court of Human Rights.

The main concern of our members and supporters in cases where PSPOs have been used in relation to abortion clinics, is the status of individual, private prayer. There have been a number of high-profile cases of individuals being questioned or arrested within PSPOs where the sole or main cause of the offence has been praying.

This is deeply troubling, and we are concerned that the situation could become worse with the introduction of this new legislation. It is vitally important that any new guidance makes it clear that individual, private prayer should never be considered an offence in and of itself.

At present, sub-section 2.7 reads: "Prayer within a Safe Access Zone should not automatically be seen as unlawful." We believe this should be changed to "Prayer on its own should not be seen as unlawful, including within a Safe Access Zone".

Q3. In your view, are the contents of Section 3 (location) sufficiently clear and easy to understand? No.

We are pleased that the guidance recognises some of the complications involved in the introduction of buffer zones or "safe access zones" on account of the location of the abortion clinic. 150 meters is a considerable distance for this new offence to apply. It is worth noting that this covers a larger area than some of the PSPOs that have been applied by local authorities around abortion clinics. It is therefore important that what is restricted within this space is properly understood.

The Catholic Union has two particular concerns in relation to this Section of the guidance. The first is in relation to people and places where it is already known and acknowledged that there need to be exemptions. The second is in relation to people and places where the need for an exemption may be less clear and there is a risk of criminal behaviour through unintended consequences.

As discussed during the debates in the House of Lords when the legislation was going through Parliament, there is clearly a need for exemptions to apply in relation to private residences and places of worship. For example, we know of at least one Catholic Church located within 150 meters of a facility where abortions take place.

While the need for an exemption seems clear in some cases, what is not clear from the guidance is the extent to which activities connected with places of worship are also exempt from this new legislation. For example, would a place of worship within a buffer zone or "safe access zone" be able to advertise and host a pro-life event, including with public notices and posters on their premises? This same question also applies to private residences in cases where people wanted to hold or promote a pro-life event.

The guidance makes it clear that activity "within" a church or other place of worship would be exempt from this new legislation, but it is not clear whether this includes activity within associated spaces such as a parish hall, garden, or car park. We believe the guidance should make clear that the exemption applies to activities "within the curtilage" of a church or place of worship.

There is also the question of premises which are not permanent places of worship, but which can be used to host worship and prayer meetings. This might include buildings such as village or town halls, community centres, or other civic buildings. The guidance is not clear on whether meetings in buildings, organised by religious groups, would also be exempt from the new legislation.

We also have concerns about people who contravene the new legislation unintentionally. This may include uncertainty about the boundaries of a buffer zone or "safe access zone" in a particular area or people who are passing through. For example, would someone stuck in traffic or waiting at a bus stop be subject to the same requirements as a person who had deliberately located themselves near an abortion clinic? These matters should also be addressed in any new guidance.

Q9. In your view, are the contents of Section 6 (use of police training) sufficiently clear and easy to understand? No.

The question of enforcement by the police and other statutory authorities is one of the most important in terms of upholding and balancing well-established rights with this new legislation.

We welcome the understanding that police officers should have training on the rights contained in the European Convention on Human Rights. However, the guidance does not provide any information in terms of how and when this guidance should be provided and by whom. These are important questions that should be addressed in any guidance, and we would welcome the opportunity to work with the Home Office on this.

We also believe that this training should include other relevant conventions and legislation in respect of fundamental human rights, including the Universal Declaration of Human Rights.

In addition to police officers understanding people's rights in respect of freedom of thought, conscious and religion, we also believe that broader training around religious literacy would be helpful. A need to understand the worldview of Catholics and other people of faith is vital in terms of police officers understanding intent and therefore the perceived offence of people's actions. This applies more broadly across policing, not just to this new legislation, and is something which the Catholic Union has consistently called for.

Finally, there must be an acknowledgement of the difficulties that this new legislation presents Catholic police officers and others with pro-life views. The practice of conscientious objection must be respected in relation to the enforcement of buffer zones or "safe access spaces". Any new guidance should make it clear that a police officer with a conscientious objection, should be able to request that another colleague handle the operational policing of the offences contained in this new legislation.

We hope that in the introduction of buffer zones or "safe access zones", the Government will seek to work with the Catholic Church and other faith groups to find the best possible outcome. The Catholic Union stands ready to help in any way we can.

Thank you for considering our submission.

Yours sincerely



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ⁱ https://www.vatican.va/archive/ENG0015/_P7Z.HTM#-2C6