



# Keeping Campuses Pro Choice

Abortion Rights 

**nus**  
national union of **students**

**nus** *women*

# Keeping Campuses Pro Choice

The purpose of this document is to clarify the legal position for student unions who wish to pass policy for their student union to take a pro-choice position on the issue of abortion and who want to affiliate to Abortion Rights.

This briefing is only applicable to unions in England and Wales as the 1967 Abortion Act does not apply to and has not been extended to Northern Ireland. You can get in touch with Belfast based organisation Alliance For choice if you require more information on the situation in Northern Ireland. In terms of Scotland, the Abortion Act has been extended to Scotland and therefore the position is likely to be the same in Scotland but the advice in this document only covers England and Wales.

## (1) Statement of law with regard to abortion.

According the 1967 Abortion Act, it is a legal right in England, Wales and Scotland for women who are pregnant and who meet the criteria and obtain the signatures of two doctors to have an abortion.

Up to 24 weeks two doctors must decide that the risk to a woman's physical or mental health will be greater if she continues with the pregnancy than if she ends it.

There is no time limit on abortion where two doctors agree that a woman's health or life

is gravely threatened by continuing with the pregnancy or that the foetus is likely to be born with severe physical or mental abnormalities.

In the event that an abortion must be performed as a matter of medical emergency a second doctor's agreement does not need to be sought.<sup>1</sup>

## (2) Statement of law with regard to student unions.

The NUS Women's Campaign and Abortion Rights jointly sought legal advice regarding the ability for student unions to have pro-choice policy and affiliate to Abortion Rights as there has been uncertainty about whether this would be lawful in the face of a legal challenge. As a result of the establishment of the 'Alliance of Pro Life Students' there have been more anti-choice groups set up in University Student Unions, and we believe it is important for Student Unions to be confident in their ability to be pro-choice. As a result of this advice, this briefing makes the case that student unions could reasonably pass policy in favour of being pro-choice and supporting women to obtain information and access abortion services in accordance with the law. We also believe it would be likely to be possible to defend a decision to be allies with and affiliate to an Education branch of Abortion Rights. Abortion Rights is currently in the process of investigating the establishment of an Education branch.

Student unions can – and have a responsibility – to act in the general interests of their members (See Appendix). It is likely that

1. [http://www.efc.org.uk/young\\_people/facts\\_about\\_abortion/law.html](http://www.efc.org.uk/young_people/facts_about_abortion/law.html)

at least half their members will be women and access to abortion is a healthcare and welfare issue for women members. Having access to abortion may mean the difference between a student being able to continue their education or not, and so in our view it is reasonable for a student union to be able to hold a view that is pro-choice and to provide information and advice on abortion.

### What about affiliating to Abortion Rights?

Though there is very little case law, and most of it is quite old (see Appendix); student unions have been challenged when they have been funding what is seen as political campaigning, as it is outside the scope of charitable activities.

Student Unions, including clubs and societies cannot donate funds or resources to an external organisation if to do so would be seen as being outside the scope of their constitution or their charitable objectives if they are registered as a charity. This is where affiliation to an education branch of Abortion Rights can help, as an organisation providing educational information about access to abortion for students and their welfare. This Education branch of Abortion Rights can provide information about students' rights and guidance on how to receive impartial advice and access abortion services if necessary in accordance with the 1967 Abortion Act. There are good prospects of successfully defending a challenge to affiliating to an organization such as the Education branch of Abortion Rights that provides advice, information and supports the maintaining of current laws.

One of the key questions Student Unions need to ask is whether payment for pro-choice activities is in line with the charitable objectives of the Student Union. Every Student Union will have different charitable objectives and constitutions and it is important you familiarise yourself with them and are able to demonstrate how being pro-choice relates to the charitable objectives of the charity or the strategic direction if your Student Union is not a charity. For example, The University of Leicester Student Union's charitable objectives are set out as Student Voice, Student Support and Student Life which means that any action would have to fit in with those objectives directly. Defending pregnant students' access to information and safe abortion in accordance with the law is arguably related to the Student Support element of the charitable objectives.

We therefore believe that it would be likely to be possible to successfully defend a legal challenge to be pro-choice in the context of being supportive of the legal right for students to obtain an abortion when the terms of the Abortion Act are met and access information about abortion healthcare.

As every Student Union is different, if you are worried about a potential legal challenge it is advisable for your Student Union to seek specific legal advice in relation to this issue and your charitable objectives.

In the NUS Model Governing Documents for England and Wales, NUS and the Charity Commission agreed the following text for Students' Unions:

3. The Union's objects are the advancement of education of students at [name of institution] for the public benefit by:

3.1 Promoting the interests and welfare of students at [name of institution] during their course of study and representing, supporting and advising students.

...

and

3.3 providing social, cultural, sporting and recreational activities and forums for discussion and debate for the personal development of its students.

One of the challenges of the legal position around Student Unions and campaigning for the full decriminalisation of abortion and abortion on request is that case law on this issue is very old and therefore offers no clarity or precedent around the issue of Unions. The NUS Women's Campaign and Abortion Rights believe in and campaigns for abortion on request but in terms of a Student Union campaigning to extend the time limit for abortion and funding this campaigning, our legal advice has indicated that while it could be likely to be possible to successfully defend a challenge and that there could be legal representation who would be willing to defend a Student Union on this issue, there would not be a definite prospect of success to defend a legal challenge.

It is important to note that there is no risk with a Women's Group or Feminist society that collects membership fees affiliating to Abortion Rights or using funds collected from group members to campaign on Abortion Rights issues.

A Student Union being pro-choice is clearly in women students' interests, is supported by current legislation and is in the interests of students and their education. Our legal advice has suggested that if a legal challenge to a Student Union being pro-choice were to happen there is a reasonable prospect of defending this position. Therefore, it is reasonable for Student Unions to pass prochoice policy, affiliate to an Education Information branch of Abortion Rights and support the welfare of their students in defending their right to choose.

### (3) Tips on keeping campuses pro-choice

With the anti-choice groups showing up on campuses to hand out misinformation and display graphic images, and the formation of the Alliance for Pro-Life Students, it is more important than ever to protect reproductive rights and to ensure the welfare of women students. Abortion is also statistically safer than childbirth and researchers in the US found that women were about 14 times more likely to die during or after giving birth to a live baby than to die from complications of an abortion. Abortion is a health and welfare issue for women and as such is a relevant matter for student unions to be concerned with.

If the anti-choice group or society has a website or Facebook page, explore the page to familiarise yourself with their beliefs and their links. Believing in something like a link between abortion and breast cancer discredits their other beliefs which can get others who may be influenced by them back on your side. Leeds Metropolitan University Students' Union created a policy that mandated that anti-choice



campaigners' materials must be academically referenced and checked for validity. This is a great idea since much of the information (including the myths anti choicers spread) is not scientifically sound and has not been published in peer reviewed journals. Find out if your students' union has a pro-choice policy. If your students' union doesn't have a pro-choice policy, propose one! If you would like to find out how to do this you can contact Abortion Rights and/or speak to the sabbatical officers at your Student Union.

## (4) Myths About Abortion

Both the British Pregnancy Advisory Service (BPAS) and Brook have created resources to help you bust myths about Abortion. BPAS published a guide to 10 myths about abortion in 2014 which covers issues such as Abortion no longer being a criminal offence in the UK, about the 'type' of women who have abortions and public opinion on a woman's right to choose.<sup>2</sup> Brook, a leading sexual health charity has also produced myths and facts guide which you can use to counter false claims with.<sup>3</sup>

## (5) On Campus Protests

If you see anti-choice societies leafleting at your union, start leafleting yourself! Even if you don't expect anti-choice organisations to come onto your campus, you can still take action! Support other student unions or campuses nearby that may be threatened with protest. Get in touch with the NUS Women's Officer and let NUS know what is happening. You could make a statement available to all students

informing them of your opposition to presence on campus of anti-choice groups like Abort67. You can see the University of Nottingham's Women's Network's statement on their website.<sup>4</sup>

You can organise a pro-choice awareness event on your campus providing information to women students about their rights and access to relevant services. Abortion Rights would be happy to send someone to speak at an event on your campus.

## Preparing for protests

We understand organisations such as Abort67 have previously come onto campuses with very little notice with banners of alleged fetuses being aborted. It may be advantageous to hold a meeting to discuss the course of action students in your union would like to take in order to counter-protest if anti-choice groups take actions like these. Whatever your plan of action, try to get the emails and/or phone numbers of everyone interested in protesting so that you can quickly contact people as soon as an anti-choice organisation arrives.

If anti-choice groups somehow make it onto your campus, make sure to phone the police, but keep counter-protesting! Remember, the Public Order Act states that 'A person is guilty of an offence if he displays any writing, sign or other visible representation which is threatening, abusive or insulting, within the hearing or sight of a person likely to be caused harassment, alarm or distress'. Use this information to get them removed from campus. Try to get local pro-choice groups

---

<sup>2</sup> <https://www.bpas.org/media/1439/10-abortion-myths-booklet.pdf>

<sup>3</sup> <http://www.brook.org.uk/our-work/abortion-and-health>

<sup>4</sup> <http://www.su.nottingham.ac.uk/news/article/womensnetwork/Womens-Networks-State-on-Abort67/>

involved. If you don't know of any pro-choice groups in your area, try contacting Abortion Rights as they may have information on some local groups you can call on.

You may also want to get the trade unions on your campus involved. The presence of anti-choice groups, especially with the use of grotesque images, also affect women staff members and therefore trade unions would be great allies in the fight against anti-choice demonstrations.

Put pressure/ask nicely for your institution to get the group removed from the campus. If the University doesn't immediately do this, get a petition started, you can use this template:

*I/we the undersigned believe that protests by Abort67 are highly distressing and disturbing to students on campus and that students should not have to see gruesome images whilst on their way to university. I/we the undersigned are disgusted by the attempts to shame women for accessing their reproductive rights and these demonstrations are harmful to women's welfare. I/we the undersigned feel that we should put pressure on the university to remove them from campus immediately upon arrival.*

This is the petition which was created by women activists at the University of Nottingham: <http://bit.ly/SxeC4q><sup>5</sup>

You should brief security that this group's presence could cause distress and harm the health and wellbeing of women students. Try to meet with the head of security and the head of student services to explain this possible situa-

tion and the importance of maintaining the campus as a safe space for all students. You may also want to ensure that there is counselling available for students affected by the protest.

## During a protest

Make sure your protest is not just voicing your disagreement, but is covering up distressing images so that people won't have to be subject to them. In 2012, the Cambridge University Student's Union Women's Campaign brought a bed sheet with them to cover up the larger images. Make noise but stay peaceful and do not damage anti-choice property or you could put yourself at risk of prosecution. Compile stories from students who have had abortions in your institution. This can help to raise awareness of how many people have abortions and why, and it also de-stigmatises it.

You may want to bring information that debunks the specific images the groups use, as some of them aren't even of aborted fetuses! Counter the action by giving out accurate information about abortion and abortion laws; creating simple leaflets outlining the facts would be a good idea. If you're not sure where to start, Abortion Rights have a great resource of information.<sup>6</sup>

*(See overleaf for further resources).*

---

<sup>5</sup> <http://www.ipetitions.com/petition/abort67/>

<sup>6</sup> [www.abortionrights.org.uk](http://www.abortionrights.org.uk)

# Useful websites and contacts

---

Abortion Rights – [www.abortionrights.org.uk](http://www.abortionrights.org.uk)

NUS Women's Campaign – [women@nus.org.uk](mailto:women@nus.org.uk)

Education for Choice – [www.efc.org.uk](http://www.efc.org.uk)

British Pregnancy Advisory Service (BPAS) – [www.bpas.org](http://www.bpas.org)

Family Planning Association – [www.fpa.org.uk](http://www.fpa.org.uk)

Doctors for a Woman's Choice on Abortion – [www.dwca.org](http://www.dwca.org)

British Medical Association - [www.bma.org.uk](http://www.bma.org.uk)

# Appendix

---

The Education Act 1994 contains provisions relating to students' unions. For those purposes, a 'students' union' means:

- (1) an association of the generality of students at an establishment to which the Education Act 1994 applies whose principal purposes include promoting the general interests of its members as students; or
- (2) a representative body (whether an association or not) whose principal purposes include representing the generality of students at such an establishment in academic, disciplinary or other matters relating to the government of the establishment<sup>6</sup>.

The governing body of every establishment to which the provisions of the Education Act 1994 relating to students' unions apply must take such steps as are reasonably practicable to secure that any students' union for students at the establishment operates in a fair and democratic manner and is accountable for its finances (Education Act s.22).

Case law (still valid post the 1994 Education Act)

Webb v O'Doherty

Chancery Division

01 January 1991

(1991) 3 Admin. L.R. 731; Times, February 11, 1991; Daily Telegraph, February 21, 1991

Summary: Students' union; political campaigning; whether charitable purpose

Abstract: W sought an injunction to restrain O and other student union representatives from giving union funds to support an anti-Gulf War campaign and from affiliating with committees organising such campaigns.

Held: Injunction granted. Funds could only be spent on charitable activities. While discussion of political issues was an acceptable educational activity for a charitable organisation, Attorney General v Ross [1986] 1 W.L.R. 252, political campaigning in an attempt to influence public opinion was not, where any educational value was peripheral to the main aim, McGovern v Attorney General [1982] Ch. 321. Similarly, affiliation to wholly non-charitable organisations for non-charitable purposes was not allowed.

Judge: Hoffmann J

Significant Cases Cited

Attorney General v Ross

[1986] 1 W.L.R. 252; [1985] 3 All E.R. 334; (1986) 83 L.S.G. 869; (1985) 130 S.J. 184; Ch D; 31 July 1985

McGovern v Attorney General