



dti

Animal Welfare – Human Rights: protecting people from animal rights extremists

July 2004

CONTENTS

Foreword	2
Section 1 Introduction	3
Section 2 Background	5
Section 3 Animal Rights Extremist Activity	9
Section 4 Government Response to Animal Rights Extremists	12
Section 5 Future Action	15
Annex A	18



**FOREWORD BY THE PRIME MINISTER,
RT HON TONY BLAIR MP
AND THE HOME SECRETARY,
THE RT HON DAVID BLUNKETT MP**

Britain has a long and proud record on animal welfare and protection. It explains why the UK has in place one of the world's toughest regimes for licensing and controlling animal experiments. No animal procedures are allowed unless it can be shown that the research is essential, that there is no realistic alternative to the use of animals and that any suffering is kept to an absolute minimum.



It is a system, too, which evidence suggests has widespread public support. While we all want a time when there is no need to use animals in research that time has not yet arrived. Research using animals has helped save hundreds of millions of lives. The extraordinary recent advances in genetics which now give us the chance to treat or prevent a whole range of incurable diseases and conditions should enable us to save hundreds of millions more.

British scientists, institutions and firms are in the forefront of this remarkable research just as they have been world leaders in medical advances for generations. They continue to make a huge contribution to human health and well-being as well as creating

thousands of highly-skilled jobs in the UK. Only the United States has a more successful bioscience sector than Britain. But these scientific advances and this economic success story is under threat from a tiny minority of animal rights extremists who are behind an illegal campaign of intimidation and violence against individuals and firms involved in this vital work. People have the right, of course, to campaign lawfully to reduce or end the use of animals in scientific research. But they do not have the right to harass, threaten or physically attack those involved in lawful business and research.

The Government, police and courts are stepping up efforts to stamp out this illegal and sometimes violent conduct. We have improved co-ordination and introduced new measures to make it easier for the police to stop intimidation and to bring to justice those responsible. As this report makes clear, we shall continue to tighten the law still further and we shall ensure that more resources are made available across Government to tackle this problem, including increasing protection for those working in this vital field.

We will protect individuals and companies, to enable the UK's vital bioscience sector to keep developing and to ensure we can all benefit from the medical advances which now lie within our grasp.

Handwritten signature of Tony Blair in black ink, with a horizontal line underneath.

Rt Hon Tony Blair MP
The Prime Minister

Handwritten signature of David Blunkett in black ink.

Rt Hon David Blunkett MP
The Home Secretary

Section 1 INTRODUCTION

1. The purpose of this paper is to set out the Government's strategy for countering animal rights extremism. Our message is clear:

- It remains necessary to carry out experiments under carefully controlled conditions on animals;
- Extremist behaviour is despicable and will not be tolerated;
- The Government is committed to protecting those who work in the bioscience sector, whether directly or in the supply chain, and will examine all that can be done to protect those engaged in lawful research.

2. We live longer and more healthily than ever before because of the enormous advances in treating and preventing disease and illness. The progress in medical science over the last century has allowed us to eradicate mass killers like smallpox, to treat once fatal diseases and to repair incurable conditions such as heart complaints. Scientific advances have also helped ensure the drugs and chemicals we use are more effective and safer both for ourselves and the environment. We should be proud that many of these advances, which have saved and transformed the lives of millions of people across the world, rests on the work of British scientists, institutions and bioscience firms who make a huge contribution to our economy and prosperity. Our lifespan would be shorter, our health worse and our environment and country poorer without this science and the scientists who carry it out.

3. A great deal of this science depends upon animal experiments. Opportunities are beginning to emerge which use tissue cell cultures, chemical processes and computer modelling to do developmental and basic research as well as safety testing. The Government is taking action to develop these alternatives as fast as possible. However, if cutting edge life-saving

research is to continue, it will be necessary for the foreseeable future to continue to use animals.

4. But this research in Britain can now only take place under the strictest regulations to ensure it is absolutely necessary to use animals – and under the toughest conditions to ensure any suffering is reduced to an absolute minimum. Surveys suggest there is overwhelming public support for this approach which has been the approach of successive Governments.

5. The Government recognises, however, that there are many people with concerns about the use of animals in scientific procedures. The Government supports the right of everyone to express those views and to campaign legally to persuade people to change their mind and the law.

6. Our country has a proud record on animal welfare and protection, thanks in part to the efforts of millions of people who support legitimate and well-respected groups, like the RSPCA, who campaign to increase protection for domestic animals and wildlife, and for the replacement of animal experiments, wherever possible. Other organisations, such as the Fund for the Replacement of Animals in Medical Experiments (FRAME) do valuable work actively seeking alternatives to animal tests. At the same time many, of course, understand the need for continued animal experimentation provided there are proper controls and safeguards. Others want to see a complete ban.

7. But a tiny group of extremists are using illegal and violent methods to try to stop animal experiments. They are not trying to change the law but to frighten individuals, their families and friends, institutions and companies. Their campaigns of intimidation, harassment and violence against individuals and law-abiding businesses are totally unacceptable. The police and courts are taking this illegal activity extremely seriously and we have given them new

powers to tackle it. But much more needs to be done.

8. The Government's strategy to tackle animal rights extremism is simple: it is to stop the extremists. We are doing this by:

- Launching a concerted drive to catch those involved and bringing the full range of existing laws to bear on their activity;
- Working with the police, CPS and courts on the most effective approach, to keep performance under review and to identify new initiatives;
- Raising awareness of the methods of extremists among all the criminal justice agencies and to ensure the most effective co-ordinated response to extremism;
- Ensuring that the Courts are aware that illegal acts of violence and intimidation are committed as part of a concerted campaign of extremism which could be aggravating factors which attract higher sentences on conviction;
- Introducing further legislative changes to catch the activities of extremists, including making it illegal to protest outside people's homes where the effect is to intimidate or cause distress.

Section 2 **BACKGROUND**

Medical benefits of animal research to humans and animals

9. Most of the major medical advances over the last century have come about through animal research, and all new medicines are approved on the basis that their efficacy, safety and quality have been demonstrated by evidence including animal test data. Examples of health care improvements arising to some degree out of animal work include anaesthetics, vaccines, antibiotics, replacement heart valves, blood transfusions, kidney dialysis, and surgical procedures such as organ transplants.

10. These advances are not just in the past. Recent improved treatments for heart disease, breast and prostate cancers, and new drugs for asthma and HIV/Aids have all been developed following essential research involving animals. And current animal research – especially in areas such as genomics and stem cells – holds huge promise for treating and preventing a whole range of serious and complex conditions.

11. These include muscular dystrophy, cystic fibrosis, reproductive and fertility disorders, cancer, and Parkinson's and Alzheimer's diseases. Despite advanced research methods not dependent on the use of animals, there are still many areas where animal research remains crucial to further progress. If we are to make the best use of the extraordinary advances of science to improve human health and reduce pain and suffering, then tightly controlled research involving animals will be necessary.

12. The main treatments for cancer today use surgery with radiotherapy and chemotherapy drugs to kill cancer cells. Animal testing has played a vital role in developing these treatments. Some of the serious and very unpleasant side effects of cancer treatment have been prevented by the development of new drugs which required the use of animal testing. Without the use of animals, the treatments now being used would not be available and progress

towards our understanding of cancer and the development of new treatments and possibly cures would be very severely affected.

13. Alzheimer's disease affects one person in 10 over the age of 65 and almost half those over the age of 85. The abnormalities of Alzheimer's disease are shown in primates and in certain strains of mice. Animal studies provide opportunities for understanding how Alzheimer's affects the brain and for studying potential new treatments. In short, we will need animal research if we are ever to discover a cure for Alzheimer's.

14. Research involving animals also benefits animals themselves. Currently, experimental research and drug testing on animals is needed to advance both human and veterinary medicine, the latter providing new treatments for both livestock and companion animals. Animals are used in research into animal welfare and other health issues such as the potential development of vaccines against bovine TB that could protect wild populations of badgers (that may act as carriers) as an alternative to culling. Animal welfare research aimed, for example, at improving husbandry and housing of livestock inevitably involves research with animals if it is to be animal-centred rather than based on subjective human ideas.

Use of animals in scientific procedures – regulation

15. Britain, of course, already has what is regarded as the most tightly controlled regime governing animals experiments in the world. Before a licence is granted under the Animals (Scientific Procedures) Act 1986, the law requires proof that:

- the likely benefits of the research have been weighed against the likely adverse effects on the animals concerned
- that there are no alternatives which either

Replace animal use entirely, **Reduce** the number of animals needed, or **Refine** the procedures to minimise suffering (known as “the 3Rs”).

16. All applications for project licences must first pass through ethical review processes at the establishments concerned – only those considered justified at that stage can go forward. Applications received by the Home Office are then subject to rigorous assessment by members of the Animals (Scientific Procedures) Inspectorate, all of whom are medical or veterinary experts. The Inspectorate has to be satisfied that all the criteria in the 1986 Act have been met before recommending the grant of licences. Certain more difficult or contentious types of applications are also referred for advice to the Animal Procedures Committee, and sometimes to expert external assessors, before licensing decisions are taken. Licensed programmes of work have to be kept under review, to ensure that any animal suffering continues to be minimised, and that satisfactory standards of animal care are maintained. Projects are closely monitored by the Inspectorate for compliance purposes – any non-compliance is acted upon and can result in revocation of licences.

17. Non-human primates are among the species given special protection by the 1986 Act and can only be used where animals of no other species are suitable. They are used for regulatory testing to help ensure the safety of medicines, and for important areas of fundamental research into conditions such as Parkinson’s disease, visual impairment, stroke, diabetes, disorders of reproduction and vaccine development.

18. It is regrettable that the use of primates in scientific procedures remains necessary. But while the benefits to humans, animals or the environment outweigh the costs to the animals involved, and until there are suitable alternatives available, there is no immediate prospect of an end to this use. It should be stressed that non-human primates were used in just 0.14% of the total number of scientific procedures conducted in 2002.

Use of animals in scientific procedures – openness

19. The Government believes that there is a need for more open and better informed debate about the use of animals in scientific procedures. To that end, the Home Office is pressing ahead with plans to publish, without disclosing applicants’ names, information about projects licensed under the Animals (Scientific Procedures) Act 1986 as part of its publication scheme under the Freedom of Information Act. This is being taken forward in consultation with the scientific community about the revision and streamlining of the project licence application process. Licence applicants will be expected to provide the information in an abridged form for posting onto the Home Office website. These publication arrangements are to be introduced in autumn 2004.

20. Separately, in the context of our commitment to freedom of information, the Government has reviewed section 24 of the 1986 Act – the so-called confidentiality clause – which prohibits the disclosure by Home Office Ministers and officials of confidential information relating to the use of animals in scientific procedures. Many in the scientific community, support other means of progressing openness and transparency about the use of animals in scientific research, but were very concerned about the potential impact of repealing section 24. In the circumstances, we have decided to retain section 24 for the time being and to look at it again in two years time.

Trends in animal use

21. The number of animal procedures started each year has reduced by 22% since 1987, continuing a downward trend first seen in the 1970s. In the commercial sector animal use has almost halved over the same period, even though investment in research and development has increased significantly. The use of animals is costly and time consuming and industry invests many millions of pounds in the development of alternatives. Recently the downward trend in animal use has flattened out and currently the number of procedures started each year fluctuates around 2.6 to 2.7 million.

22. The Government believes that current developments in science are providing

significantly more opportunities to do work on the replacement of animal use, the refinement of the procedures involved to minimise suffering and the reduction of the number of animals used (the 3Rs). The Government recently announced that it is establishing a National Centre for the Replacement, Refinement and Reduction of Animals in Research, which will report to the Office of Science and Technology through a new Board chaired by Lord Turnberg. Board members are currently being appointed – all four Stakeholder Groups (Research Groups, Animal Welfare Groups, Government and Industry) will be represented and it is hoped they will hold their first meeting in September. The Centre for Best Practice for Animals in Research (CBPAR) established by the Medical Research Council will form the core of the new centre. Initial Government funding of £660,000 has been provided, doubling the amount previously available with further increases expected in the future.

23. The new national centre will:

- develop a UK strategy for the implementation of the 3Rs;
- fund high quality research that advances the 3Rs;
- promote a co-ordinated approach to 3Rs research;
- provide advice on the 3Rs and animal welfare to the scientific community; support the UK scientific community's commitment to best practice in all aspects of laboratory animal science and welfare; and
- work with regulators on the acceptance of alternative methods for regulatory toxicology.

24. The Government already has a good record in the promotion of replacement tests. For example, we played a leading part in the deletion of the OECD Guideline 401 LD50 Test – a particularly unpleasant toxicity test using mice. We also pressed hard for its replacement with a more humane alternative, and for the development and promotion of the local lymph node assay using mice – a more humane replacement for a Guinea pig test for skin sensitisation.

25. The Government also secured a voluntary ban on testing cosmetic finished products and ingredients on animals in the UK. We did this because we believed that there was inadequate justification for using animals given the benefits of these products and the alternative tests available. We are also committed to putting an end to testing cosmetics on animals across Europe and have led the way and worked hard for many years to achieve this. The Government strongly supports the 7th Amendment to the EU Cosmetics Directive, which will introduce a testing ban in the European Union and will extend across Europe what has been almost solely a UK ban.

Public attitudes to use of animals in scientific procedures

26. Most people in the United Kingdom – 90% in a recent MORI survey – believe the use of animals for medical research is acceptable so long as it is done without causing unnecessary suffering to the animals concerned and is strictly regulated. When questioned about the regulatory regime that they would like to see for animal research, most people described the regime that the UK already has in place, even though they are not aware that we do have such a system. Very few people are actually aware that the Government regulates the use of animals in scientific procedures at all.

27. The Government is determined that the general public have access to objective, accurate information on the benefits of medical research, the reasons why it is necessary to use animals where no other way of carrying out research is possible and that in the UK, the use of animals in scientific procedures is very strictly regulated.

28. This is an important debate which must not be hijacked by a small number of extremists. To address the lack of information and public awareness of the regulation of animals in scientific procedures, the Government has implemented a communications strategy to provide objective and accurate information about these issues. Ministers from the Home Office, Department of Health and Department of Trade and Industry have set out the regulatory regime and the benefits of medical research using animals in a series of articles in scientific and Parliamentary journals. The Government also

takes every opportunity to give accurate information on animals in scientific procedures through seminars and addresses to senior figures in industry, the City and Parliament.

29. The bioscience sector – industry, academics and medical charities, are also working to present the facts on the use of animals in scientific procedures and dispel myths perpetuated by animal rights extremists. The Government welcomes and supports the work of the Coalition for Medical Progress, which is presenting data from scientists engaged in biomedical research to explain how animals help research into the causes of disease and develop new treatments.

Economic contribution of the bioscience sector

30. Bioscience has made an enormous contribution to improving our health and quality of life. But it also makes a massive contribution to our economy and prosperity. The UK bioscience industry is the second biggest in the world, employing directly over 80,000 and indirectly an estimated 250,000 people. We are the world's largest exporter of pharmaceuticals – a trade worth nearly £12 billion last year.

31. We have an outstanding record in research with only the United States having discovered and developed more best-selling drugs. This is based on the excellence of our universities where 65% of all medical research is carried out. A great deal of this is supported from public funds but pharmaceutical companies are also investing over £3.5 billion annually in the UK in research and development.

32. Biotechnology is an increasingly important sector both in terms of its impact on our lives and its economic contribution to the economy. There are already over 480 dedicated biotechnology businesses with revenues of over £4 billion in 2002.

33. To support research and development in the bioscience sector, the UK has a number of contract research organisations (CROs) that are among the best in the world. CROs employ around 5,000 people in the UK, with revenues of over £100 million annually. They offer advance technologies for development of innovative pharmaceutical products, regulatory testing and

toxicological and registration services for new chemicals globally.

34. Our record of achievement in science, with 44 Nobel laureates in the last 50 years, our world-class institutions, and strong Government support means bioscience researchers and companies increasingly see the UK as their base. The Government is justifiably proud both of the scientific advances made in Britain and also that our country is seen as one of the best places in the world for bioscience.

35. But both home-grown and foreign firms have warned that animal right extremism is casting a shadow over this, by making their work more difficult and could affect investment decisions in the future. We recognise this and are determined to step up our efforts to counter this illegal activity.

Section 3 **ANIMAL RIGHTS EXTREMIST ACTIVITY**

36. Animal rights extremists have long been active in the UK. In the 1980s, a number of medical researchers were the subject of intimidation and harassment which included not just demonstrations and abusive letters but at their worst, letter and car bomb campaigns. Several of the most prominent extremists were jailed for lengthy periods.

37. In the mid 1990s, animal rights extremists extended their campaign to target laboratory animal breeders and suppliers who were typically small, independent companies. In 1999, they targeted Huntingdon Life Sciences (HLS) with the stated aim of forcing HLS into closure. Having failed in its attempt to frighten the company's directors and employees into giving up, the extremists then turned their attention to secondary and tertiary targets such as HLS's shareholders, customers and suppliers.

38. Supplier companies may include banks, building companies, fuel suppliers and even companies which supply laundry services and taxi services. This change in tactics mean that animal rights extremists are now targeting people who are not directly involved in research using animals and are located throughout the UK. This provides a challenge for police forces who have not dealt with extremist activity in their area in the past.

39. Harassment and intimidation by animal rights extremists is directed not just at the director or employees of a particular company, but also the family and friends of the individual. In some cases, individuals have been forced to abandon social activities or resign from clubs as a result of those places becoming the focus of targeting by extremists.

40. The animal rights movement consists of a number of co-ordinated campaigns, some peaceful and some unlawful against a wide range of selected targets.

41. Although many animal rights supporters will

only engage in peaceful protest, a small core of extremists are engaged in researching and identifying targets, organising and co-ordinating the campaigns and engaging in criminal action to achieve their objectives.

42. This criminal action ranges from threatening mail, aggravated trespass, email, faxes and phone calls, to hoax explosive packages, serious assaults and, in the extreme, the use of explosive devices against property.

43. The animal rights extremists, are organised in a quasi-terrorist cellular structure across the country. They appear to be well briefed on forensic and legal issues, which makes it difficult for the police to obtain evidence that would lead to convictions. Despite this, the police have conducted some excellent investigations that have led to convictions and significant sentences in court.

44. The animal rights extremists are prepared to travel widely to commit offences and are driven by an ideology which threatens to undermine economic and academic research in the United Kingdom.

45. An animal rights extremist campaign typically involves some or all of the following acts:

- publication of names, addresses, phone numbers of targeted company's employees on an extremist website, with the accompanying innuendo;
- threatening letters & harassing telephone calls to employees at home;
- floods of emails, faxes, telephone calls from extremists trying to disrupt the companies' business;
- anonymous letters sent to the neighbours of targeted directors making false allegations that the individual is a paedophile;

- packages sent to homes of targets containing offensive material eg used toilet paper, razor blades;
- ordering goods and services in the name of the victim without their consent;
- late night “home visits” which involve extremists in masks vandalising cars, smashing windows and spraying graffiti;
- Office invasions to disrupt the company, often involving theft of papers;
- intimidatory protests both at company premises and homes of employees;
- hoax improvised explosive devices;
- assaults on personnel.

46. These activities are covered by a range of criminal offences, for example, sending threatening letters and packages or making grossly offensive telephone calls is an offence under section 1 of the Malicious Communications Act 1988 if done with intent to cause distress or anxiety.

47. Invading an office to disrupt a company’s business is covered by the offence of aggravated trespass under section 68 of the Criminal Justice and Public Order Act 1994 which the Government amended earlier this year to extend to buildings.

48. Vandalising cars, smashing windows and graffiti are all covered by section 1 of the Criminal Damage Act 1971. In addition the Government recently amended the stop and search powers so that the police can search for articles that could be used to commit criminal damage.

49. Where people are acting together and as a result of an agreement to commit a criminal offence this can be charged as a criminal conspiracy to commit the offences.

50. Ordering goods and services in the name of a third party is covered by the offences of obtaining goods and services by deception under the Theft Acts 1968 and 1978.

51. Many of the acts of harassment carried out by animal rights extremists could also be

charged as offences under the Protection from Harassment Act 1997. It is an offence under section 2 for a person to pursue a course of conduct which amounts to harassment of another and which he knows or ought to know amounts to harassment of the other. A person found guilty of this offence can also be made the subject of a restraining order to protect a person from conduct which amounts to harassment.

52. Some of the activities of animal rights extremists are often considered to be acts of terrorism. During the passage of the Terrorism Act, which came into effect on 19 February 2001, it was made clear that the powers in the Act would cover all forms of terrorism, including serious violent acts carried out by animal rights extremists, by widening the definition of terrorism.

53. There are a range of provisions in the Act which are designed to target those who engage in serious violence, endanger life or create a serious risk to the health and safety of the public for the purpose of advancing a political, religious or ideological cause. Animal rights extremists engaged in these activities should not, therefore, be surprised to find themselves treated as terrorists.

54. Often a campaign of harassment starts with a polite phone call asking the company to stop supplying the research company, explaining that they will be sent literature about what happens at the research company and that after they have received the literature they should send the campaign group a letter informing them that they have cut their ties with the research company.

55. If animal rights extremists do not get the response they want they may send a follow-up letter which typically says:

*“YOUR DAYS ARE NUMBERED,
ANIMAL ABUSERS.”*

56. In one case, an elderly householder employed as a cleaner for a supplier company, had her house attacked. In the early hours of the morning, two ground floor windows and one first floor window were smashed by objects thrown from outside. The damage was caused to the ground floor windows by a piece of concrete and half a house brick. The first floor bedroom

window was broken by a rock. The rock was thrown through her bedroom window with such force that it travelled across her bedroom and hit a wall causing a large impact mark. The rock then bounced off the wall and landed on a pillow adjacent to the householder narrowly missing her.

57. Animal rights extremists like to brag about criminal acts committed by supporters and publish them on websites in order to frighten their victims. The material published on these sites is propaganda. Examples of the sort of threats posted on websites include:

“We visited the home of the head of x company, and smashed his windows last week. We will carry on targeting x company in whatever way we see fit until they sever their links with y. No peace for evil animal abusers, no peace for murderers. This action was carried out in memory of the thousands of animals murdered at y by x company.”

58. The Government would strongly urge animal lovers to think twice about giving money to animal rights extremists. Such well-intentioned donations are unlikely to help animals, but are far more likely to be funding criminal activity. Sometimes well meaning people give money to stalls in High Streets and shopping centres without knowing exactly what that money will be used for. The Government urges people to ask how their donation will be used as the stalls may not be licensed.

Section 4 **GOVERNMENT RESPONSE TO ANIMAL RIGHTS EXTREMISTS**

59. Animal rights extremists are highly organised and fully prepared to resort to a wide range of illegal tactics to intimidate and harass people engaged in lawful activity. This goes far beyond the legitimate boundaries of peaceful protest and freedom of expression. To provide an effective response, our law enforcement and criminal justice system needs to be every bit as concerted and determined in response. The Government is therefore following a clear strategy to crack down on this activity. We shall systematically enforce the law, with the police and criminal justice system working together to target extremism and extremists. We shall ensure that campaigns of intimidation and violence for extremist ends are presented to the courts as aggravating factors when sentencing those convicted of existing offences. We shall introduce a number of new offences to fill gaps in the law, including making it an offence to protest outside a person's home.

Current legislation

60. The police have a wide range of powers available to them under existing criminal law and public order legislation to deal with offences committed by animal rights extremists. It is vital that they have the right powers to do the job which is why the Government keeps the law under review to identify whether there are gaps in the legislation. A list of the main powers available to the police is set out in Annex A.

61. In response to the campaign against Huntingdon Life Sciences (HLS) the Government made several changes to strengthen the law to deal with extremists in the Criminal Justice and Police Act 2001. In particular, Section 42 of that Act gave the police a new power to direct protestors away from homes, where such protests may cause harassment, alarm or distress. An offence is only committed where a protestor fails to comply with the direction.

62. More recently, the Government has made further changes to strengthen police powers to

tackle intimidatory protests. The definition of public assembly in section 16 of the Public Order Act 1986, was amended from an assembly consisting of 20 or more persons to 2 or more persons. The offence of aggravated trespass in section 68 of the Criminal Justice and Public Order Act 1994 was extended to cover trespass in buildings. Both changes came into effect on 20th January 2004.

Prosecutions

63. These changes close loopholes in the law which were being exploited by animal rights protestors. For example, protestors commonly ensured they demonstrated in numbers of 19 or less so that the police would not be able to impose conditions on them under section 14 of the Public Order Act 1986. The change enables the police to impose conditions, in limited circumstances, on smaller groups who conduct intimidatory protests. The extension of the offence of aggravated trespass also provides the police with additional powers to deal with protestors who occupy or invade buildings.

64. The new powers are being used effectively by police forces. From January to April 2004 there have been 24 arrests for breaches of Section 14 of the Public Order Act 1986 and 11 arrests for the amended offence of aggravated trespass in buildings. In total, in the first 6 months of 2004 there were 140 animal rights activists either arrested or reported compared with only 34 over the same period in 2003. Recent months have seen the conviction of 21 activists for a range of offences including aggravated trespass, harassment, common assault, assault on police and criminal damage. Other cases are awaiting trial.

65. Preventative orders such as Anti Social Behaviour Orders (ASBOs) are another effective measure to prevent further criminal activity that can have such a corrosive effect on a victim's quality of life. Recent changes in legislation

mean that courts can now impose an ASBO upon convicting an offender for any criminal offence and CPS prosecutors have the power to ask for an ASBO on conviction. Breach of an ASBO is itself a serious criminal offence.

66. The Police are working with the CPS on the use of Anti Social Behaviour Orders (ASBOs) in respect of animal rights extremists. An animal rights activist who was recently convicted for a public order offence in connection with protesting at Huntingdon Life Sciences has been made the subject of an ASBO on conviction which prevents him from going within a mile of Huntingdon Life Sciences for 3 years. Another activist who was recently convicted of aggravated trespass after entering two Cambridgeshire businesses connected with an animal research facility, has been made the subject of an ASBO which bans her from entering Cambridgeshire or contacting anyone associated to research company Huntingdon Life Sciences for 3 years.

67. A number of targeted companies have obtained High Court injunctions under the Protection from Harassment Act 1997 which restrain named animal rights activists from harassing employees of companies and their families. The injunctions have been successful in controlling overt protests at company premises and outside homes. It is important that civil remedies are pursued and used to their full effect in addition to the criminal law.

68. In order to ensure a broad consistency of approach nationally and raise levels of awareness, there is a National Forum on policing and prosecution of animal rights cases chaired by the Attorney General.

69. The National Forum brings together practitioners from across the criminal justice system. This group is now focusing on delivery of the actions necessary to provide the best possible protection to the targets of extremist activity. Departments are now represented at Ministerial level on this group.

70. It is important that the judiciary are fully aware of the aggravating nature of animal rights extremist activity and understand its impact on victims. The Forum is developing guidance on taking witness impact statements in animal rights extremist cases to maximise the prospects

of obtaining appropriate disposals and orders such as ASBOs. A protocol is being developed for arresting officers and prosecutors on speedily obtaining information about offenders who commit crimes across the country. The courts service are educating magistrates and the courts about the methods and tactics of animal rights extremists via guidance and best practice material so that the judiciary are aware of the aggravating nature of this activity when they are considering such cases. We are also seeking advice from the Sentencing Guidelines Council on whether there are other sentencing solutions to offences involving animal rights extremists.

Police

71. There is a considerable amount of work going on within local police forces and the National Crime Squad to tackle animal rights extremism and it is vital that Senior Officers ensure that a strong focus is maintained. The police are responding proactively and robustly to criminal acts committed by extremists.

72. In March 2004, the Association of Chief Police Officers formed the National Extremism Tactical Co-ordinating Unit (NETCU) with Home Office funding. The Unit is a small team, led by an experienced police officer. The purpose of the new Unit is to provide tactical advice and guidance to police forces dealing with extremism and to act as a liaison point for industry.

73. The Police Service have linked a series of crime investigations into offences against a number of companies which involves several forces and the Crown Prosecution Service. This work is being co-ordinated by a single senior investigating officer and the CPS are contributing to this by a dedicated lawyer with expertise in this area to work with the police.

74. In addition an Assistant Chief Constable has been appointed to be responsible for the operational co-ordination of investigations and to develop a new national framework for tackling extremism. This new policing strategy and national framework pulls together the action which the police together with criminal justice agencies such as CPS are taking to tackle this problem. In particular, the police will identify best practice and define national standards in all areas of prevention, initial response and

investigations into criminal activity by extremists.

75. Despite the progress being made the Government believes that further steps are needed to ensure that individuals do not suffer harm or hardship and legitimate business activity is not disrupted.

Section 5 **FUTURE ACTION**

New Offences

76. We intend to give police new powers to tackle protests outside homes more effectively and to help stop the harassment of employees of companies.

77. Protests outside homes are particularly distressing for those targeted and their families. While police are making effective use of existing powers to direct protestors away from a home where they may cause harassment, alarm or distress to the resident, one of the operational difficulties with the current provision is that it does not cover the situation where a complaint is made about the presence of protestors outside a person's home, but the protestors disappear before the police arrive or the police are not able to give a direction as they do not have the ability to enforce it at the scene.

78. We are therefore proposing to make it an offence to protest outside homes in such a way that causes harassment alarm or distress to residents. The proposal would not affect the right to picket peacefully at a work place.

79. The new offence would be arrestable so that the police will be able to make an arrest where they have reasonable grounds for suspecting the offence has taken place and have reasonable grounds for suspecting the protestor is guilty of the offence. This means that the police will be able to deal with protestors after the event which will address the difficulties of having to enforce a direction at the scene of the protest.

80. The new offence is in addition to the existing direction power under section 42 of the Criminal Justice and Police Act 2001. However, we are also proposing to amend section 42 to make it an offence for a person subject to a direction to return to the vicinity of the premises within 3 months for the purposes of representing to or persuading the resident or another that he should not do something he is entitled to do or that he should do something he is not obliged to do.

One of the concerns raised by the police and victims is that the same protestors will return to conduct intimidatory protests at targeted homes on a regular basis.

81. The third change is an amendment to the Protection from Harassment Act 1997. Section 2 makes it a criminal offence for a person to pursue a course of conduct which amounts to harassment of another and which that person knows amounts to harassment of the other. To secure a conviction it needs to be proven that there is a course of conduct in which a person harassed another. The courts have applied a strict interpretation of the word "another" which has confined the application of this provision to harassment of specific individuals and thus employees of a company do not presently benefit from this provision when they have not previously themselves been harassed, even though a fellow employee has been.

82. In order to address this problem, we are proposing to extend the Act to cover harassment of two or more people who are connected (e.g. employees of the same company) even if each individual is harassed on only one occasion.

83. These legislative proposals are included in the consultation paper "Policing: Modernising Police Powers to Meet Community Needs" which will be published shortly. That paper sets out areas of government policy on police powers for potential inclusion in a future legislative programme.

84. In addition, in March the Government published proposals for defeating organised crime in the White Paper: 'One Step Ahead'. The White Paper set out a number of measures for making more concerted use of existing powers as well as outlining a number of proposed new powers for disrupting the activities of organised criminal gangs. It will be open to law enforcement agencies to utilise a number of these measures in the pursuit of animal rights extremists.

Further Action

85. The Government is grateful to a number of industry bodies for sharing their draft Bill which seeks to consolidate the law to deal with those who harass, intimidate or commit acts of violence against persons involved in or connected with the use of animals in scientific procedures.

86. The Government has considered carefully the arguments put forward by industry for a single piece of legislation to deal with the criminal acts of animal rights extremists. We have not closed the door on this but it would not be sensible to try to seek a separate Bill which because of pressures of Parliamentary time could not be taken this year. We have identified alternative avenues to allow us to amend existing legislation as part of the legislative programme on organised crime and police reform. Our proposals to create a new offence of protesting outside homes and strengthen the Protection from Harassment Act to provide protection for employees of targeted companies are ones which industry themselves have identified as important in closing loopholes in the current law.

87. We are aware that the tactics being used by animal rights extremists are being copied by other extremists and we are determined to deal with intimidation and harassment whatever the cause.

88. We have also considered the possibility of making it an offence to cause economic damage to the suppliers of firms or research groups engaged in the legitimate and licensed use of animals. This is a complex area which is difficult to define. We shall however give further consideration to this over the next few months. In the end it is robust enforcement as much as new legislation which will help us tackle this serious problem.

89. The Government is well aware that animal rights extremists use the internet to intimidate or incite others to commit violence. All Internet Service Providers in the UK will readily remove any illegal material on websites which they host when notified of its presence by law enforcement or another appropriate body. In addition service providers are prepared to remove legal material where it breaches an acceptable use policy they have with their customer. Whilst such policies

vary in nature, they can include material deemed to cause concern or needless anxiety to others. We will co-ordinate legislation, policy and action by industry, the police, CPS and others to deal effectively with problems associated with the hosting of material on animal extremist websites, in particular the hosting of personal details of individuals and companies at risk of being targeted by extremists. Law enforcement will seek to identify individuals responsible for the writing and posting of material on sites where it is associated with an offence, and take action including where appropriate criminal prosecutions.

90. The Home Office is currently co-ordinating a Government e-crime strategy to be published later this year. One chapter of this strategy will look at issues raised by the hosting of internet content, and seek to identify and suggest remedies for any identified weaknesses in domestic legislation, policy or practice, and how we can seek to influence such issues where problem sites are located in other countries.

Working with victims

91. The Government is working with victims to develop responses to intimidation and harassment of any organisation or individual that animal rights extremists believe is associated with biomedical research. Ministers have met the financial sector, trades unions, trade associations and individual victims, to underline the Government's commitment to protecting persons carrying out legitimate business in the UK. It is of concern to everyone that research and business activities should not be dictated by intimidation and harassment.

92. We are determined to tackle harassment by extremists who order goods or services in the name of third parties with the intention of causing distress and nuisance. Some of these activities are already illegal; for example causing obscene or pornographic material to be sent through the post. Others may fall within existing legislation of theft or obtaining goods by deception. We shall carry out a review of such legislation to determine the most effective way of stopping harassment through such means. We will also discuss with business how it can help to control the use of mail order offers or similar "distance selling" opportunities to prevent extremists from harassing individuals.

93. We are also looking further at how to protect shareholders from targeting by animal rights extremists. Under UK company law registered companies are required to keep a register of their shareholders. The register is made publicly available not only so that the company can contact its members (shareholders) but also so that shareholders may contact each other. This could be, for example, to solicit support for a resolution to be put at a meeting of the company or for other legitimate purposes. But it is not a legal requirement that shareholders should provide their home address – the address on the public record may be a service address provided it is a physical address from which a shareholder may collect mail. Similarly, shareholders may use a nominee shareholder, for example a bank or solicitor, instead of holding shares directly.

94. However, the Government believes that many shareholders are unaware that there is no legal requirement to provide their home address and we will be working with the financial institutions to increase awareness amongst investors of the legal requirements.

95. Those targeted can provide valuable assistance to help the police and the Government tackle extremism – and only by working together will the Government, the bioscience and pharmaceutical industries, their suppliers and individuals be able to minimise the threat of intimidation and harassment.

96. There are a number of positive actions that can be taken to help both Government and victims. For example, a major trade association representing pension fund managers has stated that intimidation of investors is unacceptable and that shareholders should not give way to pressure from single issue groups against investment in particular companies. By stating clearly that industry will not allow extremists to dictate with whom anyone can do business, activists would be deprived of the encouragement to further intimidation and harassment that would have little or no effect on the business decisions of industry.

97. It is important that the police and the Government are aware of any threats or risks to targets so that appropriate advice and assistance can be given. The Government encourages anyone who is at risk to:

- discuss with the appropriate authorities any concerns about threats of intimidation and harassment, or responses to such threats at the earliest opportunity. This may be where a company fears that it could be at risk, even before any threats against it have been made
- provide information that might help more effective policing of criminal activities, including evidence to prosecute offenders
- work with the police to take precautions to minimise the risk of intimidation and harassment of employees and the risk of commercially confidential information being disclosed to unauthorised persons.

CONCLUSION

98. The Government applauds those companies and individuals who have stood firm in the face of continual intimidation from extremists. This situation is unacceptable for those whose daily lives are being blighted by extremists and the Government is determined not to allow extremists to dictate to businesses what they can and cannot do.

99. Since the UK has one of the toughest regulatory regimes for animal testing the Government is determined to ensure that legitimate legal research – which has the potential to alleviate human suffering and find cures for diseases which we never thought possible – should be allowed to continue without the threat of intimidation or violence. If extremists commit criminal acts against individuals or companies they can expect the full force of the law to be used against them.

EXISTING PROVISIONS WHICH CAN BE USED TO TACKLE ACTIVITIES CARRIED OUT BY ANIMAL RIGHTS EXTREMISTS

Public Order Act 1986

The Act contains a range of offences aimed at preventing harassment, alarm or distress to individuals, ranging from riot to relatively low level harassment. The behaviour of offender must be threatening, abusive or insulting: so it is unlikely to catch behaviour which is non-threatening but might be seen by some as amounting to intimidation. There is likely to be a range of interpretation by the police on when behaviour crosses the threshold.

Section 4 contains the offence of using threatening, abusive or insulting words or behaviour or displaying threatening, abusive or insulting writing or signs. The behaviour must be directed to a person with intent either to cause him to believe immediate unlawful violence will be used; or to provoke such violence; or to cause him to believe such violence will be used.

Section 4A contains the offence of using threatening, abusive or insulting words or behaviour or displaying threatening, abusive or insulting writing or signs. The person must intend to cause harassment, alarm or distress and must actually do so. It is a defence for the accused to show his conduct was reasonable.

Section 5 makes it an offence to use or display such words or behaviour within the hearing or sight of a person likely to be caused harassment, alarm or distress. The conduct need not be directed against a particular person but the accused must intend his words or behaviour to be threatening, abusive or insulting or be aware that they may be. It is a defence to show that there was no reason to believe there was anyone within sight or hearing likely to be caused harassment, alarm or distress. It is also a defence if the accused can show his conduct was reasonable.

Section 14 allows for a Chief Officer to impose conditions on a public assembly if he reasonably believes that it may result in serious public

disorder, serious damage to property or serious disruption to the life of the community.

Conditions may also be imposed if the same reasonable belief is present that the purpose of the organisers of the assembly is to intimidate others with a view to compelling them to do or not do an act they have a right to do.

Conditions include:

- the place where the assembly may be held, eg across the road from the target companies premises rather than directly outside the main doors;
- its maximum duration;
- the maximum number of persons who may constitute it.

The definition of “a public assembly” was amended by the Anti-social Behaviour Act 2003 (with effect from 20th January 2004) from “a gathering of 20 or more people” to “a gathering of 2 or more people” in the open air. It allows the Chief Officer to impose those conditions he believes necessary to prevent disorder, disruption or intimidation. It is an offence to knowingly organise, or take part in an assembly knowingly in contravention of a condition. The offences carry a statutory power of arrest.

Section 14A provides for orders to be made prohibiting trespassory assemblies. The orders are made by the local council at the request of the police (in London by the Commissioner) and require the Secretary of State’s consent. The police must believe that an assembly of 20 or more people is likely to be held on land without the permission of the occupier or exceeding the public’s right of access and that it may result in serious disruption to the life of the community. An order can be made for a maximum of 4 days and a maximum of 5 miles radius from a specified centre. It acts to prohibit all trespassory assemblies within the area during that period.

Malicious Communications Act 1988

Under this Act it is an offence to send communications or other articles with intent to cause distress or anxiety. The 1988 Act was strengthened by section 43 of the Criminal Justice and Police Act 2001 to cover all forms of communication such as email, faxes and telephone calls.

Section 241 of Trade Union and Labour Relations (Consolidation) Act 1992

Section 241 creates an offence where various activities are carried out with a view to compelling another person to abstain from doing or to do any act which that person has a legal right to do or to abstain from doing. The behaviour must be “wrongful” ie it must amount to a civil wrong such as nuisance, intimidation or trespass. Relevant activities include using violence to or intimidating the person concerned or his family; injuring his property; and watching or besetting his house or place of business or its approaches.

The section is most obviously relevant in the context of trade disputes. However, it is not limited in its terms to such a dispute and one of the leading cases concerns a demonstration outside an abortion clinic. That case (*DPP v Fidler* 1 WLR 91) may also illustrate the difficulties in prosecuting for the offence in the context of pickets and demonstrations as it turned on the difference between “compelling” and “persuading”. The defendants argued successfully that their actions were designed to persuade, not to compel women not to have terminations. The offence will also only be available where the protestors’ action is tortious. If the demonstration is entirely peaceful and does not involve trespass or intimidation or amount to a public nuisance, no offence under section 241 may be committed.

Protection from Harassment Act 1997

It is a criminal offence under section 2 of the Protection from Harassment Act 1997 to pursue a course of conduct which amounts to harassment of another- harassment includes alarming or causing a person distress and conduct includes speech. An intention to cause harassment is not necessary, but it is necessary to show that a reasonable person would think

the behaviour amounted to harassment. It is a defence to show that the course of conduct was reasonable in the particular circumstances. It is an offence under section 4 of the Act to pursue a course of conduct causing another to fear that violence will be used against him. The court may make a restraining order on conviction for either offence and a victim of harassment may take civil proceedings under section 3 of the Act for an injunction and damages for any resulting anxiety or financial loss. The perceived limitations of the powers are that they require a “course of conduct” and an identified individual against whom civil proceedings may be brought.

The Protection from Harassment Act 1997 was amended by section 44 of the Criminal Justice and Police Act 2001 to clarify that it is an offence for a group of people to collude with each other to cause others harassment, alarm or distress, where each one of the perpetrators only undertakes one action of harassment.

Breach of the Peace

The common law power to arrest to prevent a breach of the peace may also be available.

Criminal Justice and Public Order Act 1994

The offence of aggravated trespass was created by Section 68 of the Criminal Justice and Public Order Act 1994, primarily to deal with the activities of hunt saboteurs.

A person commits an offence if he trespasses on land and in relation to any lawful activity which persons are engaging in on that land, does anything which is intended to intimidate or deter persons from engaging in that activity, or obstructing or disrupting that activity. The Anti-social Behaviour Act 2003 extended the offence of aggravated trespass to include buildings with effect from 20th January 2004.

It is a known tactic of protestors to rush into a building with a view to intimidating, obstructing or disrupting people from going about their lawful business. Animal rights protestors use this tactic to disrupt the activities of targeted companies.

Criminal Justice and Police Act 2001

Section 42 of the Criminal Justice and Police Act 2001 allows a police officer to give directions to any person who is “outside or in the vicinity of” a home, providing that

- the police officer reasonably believes that the purpose of the protestor’s presence is to persuade somebody to do something which they are not under any obligation to do, or conversely, not to do something which they are entitled to do; and
- the police officer reasonably believes that the presence of the person or people to whom he is giving the direction amounts to harassment of the resident, or is likely to result in harassment or to cause alarm or distress to the resident.

The direction may include any requirements the police officer considers necessary to prevent the harassment of the resident or the causing of alarm or distress to the resident. Failure to comply with a direction is an offence and the police have a power to arrest a person for the offence.

Section 45 established a “secure register” for company directors. Since April 2002, any Company Director, Company Secretary or partner in a limited liability partnership who is at risk of intimidation and harassment may apply to the Secretary of State for Trade and Industry for a Confidentiality Order that places details of their usual residential address on a secure register. Details of the home address of a Director granted a Confidentiality Order, will not appear on the Public Register of UK Directors, but may be accessed by authorised bodies, e.g. the police or regulatory authorities. Since the Secure Register was established, over 3,000 persons have been granted Confidentiality Orders.

Terrorism Act 2000

The Terrorism Act 2000 was introduced to provide permanent UK wide legislation and to cover all forms of terrorism by widening the definition of terrorism in the Act. There are a range of provisions in the Act which are designed to target those who engage in serious violence, endanger life or create a serious risk to the health and safety of the public for the purpose

of advancing a political, religious or ideological cause.

Conspiracy

Where people are acting together and as a result of an agreement to commit a criminal offence this can be charged as a criminal conspiracy to commit the offences.

Theft Acts 1968 and 1978

Ordering goods and services in the name of a third party is covered by the offences of obtaining goods and services by deception under the both the 1968 and 1978 Theft Acts.

Stop and search powers

Section 1 of the Police and Criminal Evidence Act 1984 has been amended so that since 20th January 2004, the police have the power to stop and search for articles that could be used to commit criminal damage.

Section 146 of the powers of Criminal Courts (Sentencing) Act 2000

Since 1 January 2004, courts in England and Wales have the power to ban persons convicted of any offence from driving. This is a measure which could be used by the courts when sentencing persons convicted of offences such as criminal damage, public order or harassment etc.

