

BRIEFING: ABORTION SERVICES (SAFE ACCESS ZONES) (SCOTLAND) BILL



What is it about?

Gillian Mackay MSP, member for Central Scotland Region, has published a Bill to introduce 'safe access zones', or buffer zones, around abortion centres in Scotland. This "buffer zone" law being proposed for Scotland will be the most extreme of its kind in the world.

The [Proposed Abortion Services \(Safe Access Zones\) \(Scotland\) Bill](#) would:

- Establish a "safe access zone" consisting of the centre (normally a hospital) in which abortions are performed (known as the 'protected premises') and also the area of land within 200m of the edge of the protected premises. The 200m may be extended by the Scottish Government following an application by the relevant Health Board/health provider. Crucially, there is no upper limit on the size of 'buffer zone' the government can create.
- Within the buffer zone it would be illegal to do an act with the intention of (or to be reckless as to whether that act has the effect of):
 - influencing the decision of another person to access, provide or facilitate the provision of abortion services at the protected premises;
 - preventing or impeding another person from accessing, providing or facilitating the provision of abortion services at the protected premises; and
 - causing harassment, alarm or distress to another person in connection with the other person's decision to access, provide or facilitate the provision of abortion services at the protected premises.
- The Policy Memorandum accompanying the Bill makes it clear that it anticipates "praying audibly" and "silent vigils" will be criminalised if they are carried out in conjunction with one of the above.
- The Bill gives the government the power to extend restrictions to other buildings or places where 'treatments or services relating to abortion services are provided' as protected premises. This may include GP surgeries, sexual health clinics, pharmacies, and counselling services.
- The law would also apply to the actions of a person inside their own home. It would be illegal to display a pro-life sign from a window in one's own home, school or church.
- Those who commit an offence may receive an unlimited fine.

What are the concerns?

The proposals are extremely disproportionate, unnecessary, intolerant, and attack the exercise of civil liberties, specifically: free expression (including the right to receive and impart information and ideas without interference by public authority), freedom of assembly and association, and the right to freedom of thought, conscience and religion, including the freedom to pray. The proposals also threaten the right to private and family life by criminalising actions in one's own home.

The offences under the proposed Bill would make it illegal to offer women help and will criminalise prayer, including audible prayer and silent vigils. In England, Catholics have already been arrested for praying silently under similar laws to those being proposed in Scotland.

If the Government is allowed to decide when and where people can pray religious freedom is under serious threat. If the principle is established in this Bill, it could potentially be replicated for Corpus Christi processions or Catholic social justice work, including gatherings at Faslane and Dungavel Detention Centre.

Existing law is adequate to deal with any serious problems which may arise at public gatherings. Police Scotland did not respond to the consultation on the proposed Bill and are not calling for more powers. There is no known record of an arrest, charge or conviction for harassment or intimidation relating to participants of pro-life prayer vigils in Scotland. Furthermore, only 4 out of 14 NHS Boards in Scotland responded to the proposed Bill's consultation.

The extreme proposals are patronising to women, removing the option of support for those who may want to keep their baby or who would at least like to explore that option.

The power to designate other buildings as 'protected premises' could include GP surgeries, sexual health clinics, pharmacies and counselling services, and could mean buffer zones being established in potentially hundreds more locations across Scotland.

The Bill fails to acknowledge that, since Covid, most abortions in Scotland are now 'pills by post' which means that most women do not travel to abortion centres and so will never see a peaceful prayer vigil.

The Bill expects to spend approx. £100,000 per year on information, enforcement and prosecution of Christians but offers no help to women in the most deprived areas of Scotland who have abortion rates twice as high as women in wealthy areas.

Have your say

We need Catholics to do **two things** in response to this proposed Bill.

Firstly, we urge you to engage with the Scottish Parliament's call for evidence on the Bill. There are two ways to do this. You can complete either the short survey or the more detailed, structured, call for evidence and the deadline for responses is **20th December**. On the following page you will find some pointers for completing the detailed call for evidence. You may access the surveys by clicking the following link:

[Access Surveys Here](#)

Secondly, it is vital that Catholics, and all those concerned for freedom of speech and assembly and the freedom to pray, write to their MSPs as soon as possible.

Below is a template letter that you can email to your MSPs. Please enter your own words in the designated space, outlining the reasons why you believe this proposed law is a bad idea.

To make things easier visit the [Write to Them](#) website and enter your postcode. Details of all eight of your MSPs should appear and you can cut and paste your email on to the website and press send. It's that simple!

Email/Letter Template

Dear **[Insert name of MSP]**,

I am a resident in your **[constituency/region]** (*amend as appropriate depending on whether you are writing to your constituency MSP or a regional MSP*).

I am deeply concerned about Gillian Mackay MSP's Safe Access (Abortion Services) Scotland Bill.

This proposed Bill is concerning for the following reasons:

[Insert arguments against the proposed Bill e.g. disproportionate, intolerant, attack on civil liberties, criminalises actions in one's own home, criminalises prayer and leaves open the possibility for many more 'zones' to be set up around other buildings such as GP surgeries and pharmacies...]

For these reasons I would appreciate if you would vote against the Bill when it comes before Parliament.

Kind regards,

[Insert your name and address – your address is important so that your MSPs know that you are a constituent]

64 Aitken Street, Airdrie ML6 6LT, Tel: 07903952985, Email: office@rcpolitics.org. The Catholic Parliamentary Office is an agency of the Bishops' Conference of Scotland (also known as the Catholic National Endowment Trust Charity No. SCO 16650)

Points to consider when responding to detailed, structured call for evidence :

- **Do you agree with the purpose of the Bill?**
 - Select 'no' and tick all boxes on the page asking the reasons why you oppose the Bill. Please feel free to add additional arguments and comments in the box provided.

- **Do you agree that the Safe Access Zone radius around protected premises should be set at 200 metres?**
 - Select 'no' and explain that safe access zones are unnecessary, disproportionate, intolerant, and are an attack on civil liberties, including freedom of expression, freedom of assembly and association, the right to respect for private and family life, and freedom of thought, conscience and religion.
 - Many years of Freedom of Information requests to Police Scotland and NHS Health Boards confirm that there are no records of any arrests, charges or cautions related to pro-life vigils. The Bill, as introduced, admits to only 16 known 'incidents' in the period January – October 2022.

- **What is your view on the proposed processes within the Bill to extend or reduce Safe Access Zone distances around protected premises in the event that 200m is not appropriate?**
 - Safe access zones are unnecessary for the reasons outlined in answer to the previous question.

- **Do you agree with the definition of “protected premises” outlined in the Bill and its accompanying documents?**
 - No, notwithstanding opposition to the Bill in principle, the definition of 'protected premises' is extremely wide and is worded as such to potentially include GP surgeries, sexual health clinics, pharmacies and counselling services which could result in hundreds more zones being set up and thus hundreds more locations where basic human rights are infringed and offers of support denied to vulnerable women.

- **Do you feel that the penalty for offences related to the Bill is appropriate?**
 - The proposed law is unnecessary, disproportionate and an infringement on fundamental freedoms. The law itself is, therefore, inappropriate.

- **Do you feel the criminal offences created by the Bill are proportionate in terms of the activities they cover?**
 - The criminal offences are a disproportionate attack on fundamental freedoms. Existing law is adequate to deal with any serious problems which arise at pro-life vigils and it is notable that Police Scotland have not called for more powers.
 - It is extraordinary that the Bill proposes criminalising actions inside a private home, school or church.

- The purpose of the Bill extends far beyond the unproven requirement to protect women. The broad scope of the Bill intends to criminalise any expression of a pro-life view. The associated Delegated Powers Memorandum (29) confirms “Every effort has been made... to mitigate against changes to... how anti-abortion activity may be expressed.”
- **What are your views on the impact of the Bill upon the rights enshrined under Articles 8, 9, 10, and 11 of the European Convention on Human Rights?**
 - The offences in the Bill are a direct attack on all of the listed rights.
 - The basic rights of Freedom of Expression and Freedom of Assembly and Association will be seriously impacted by the proposals, as the Bill will criminalise people for expressing certain views and gathering in certain locations. This could be replicated for other peaceful gatherings such as Corpus Christi processions, and prayerful gatherings at Faslane and Dungavel Detention Centre.
 - The Bill criminalises prayer and is thus an attack on Freedom of Thought, Conscience and Religion.
 - The Right to Respect for Private and Family Life is under threat from the criminalisation of prayer and the inclusion of nearby residential buildings in the proposed legislation.
- **Do you think that the Bill’s intended policy outcomes could be achieved through another means, such as existing legislation?**
 - Yes, as explained in previous answers, existing legislation is sufficient; peaceful vigils have existed for many years in Scotland and the Police are not asking for more powers.
 - The Scottish Parliament should engage with all viewpoints in constructive dialogue. It is noted that pro-life groups were excluded from all “Abortion Summits” convened by the Scottish Government in 2022.
- **Do you have any further comments about the Bill?**
 - Enter any additional comments you feel are appropriate in this section.