

SPUC guide to responding to the
consultation by Gillian MacKay MSP
on the proposed Abortion Services
(Safe Access Zones) Bill



Society for the **Protection**
of Unborn Children





ABOUT THIS GUIDE

A public consultation has been launched on a bill proposed by Gillian MacKay MSP to bring in buffer zones around facilities that provide abortion in Scotland.

This briefing is intended to help you respond to the consultation, and to give suggestions about answering the questions.

It is important that as many people as possible respond to this consultation.

The consultation is running until **Thursday 11 August 2022**. Please complete the questionnaire as soon as you can and encourage others to do the same.

Help protect women and children from abortion by defending pro-life vigils in Scotland.

THE BACKGROUND TO THIS CONSULTATION

On 19 May 2022, Gillian MacKay, Green Party MSP for the Central Scotland region, launched a consultation exercise on her proposals to criminalise all pro-life activities in the vicinity of abortion facilities. It is vitally important that there is a robust, complete and unequivocal rejection of these proposals.

Ms MacKay says the consultation “is not about the moral right or wrong of abortion, it is about the right to access healthcare free from intimidation and harassment.” However, it is not possible to discuss pro-life vigils outside the context of the violent deaths of over 200,000 babies every year in the UK killed by abortion. This is not healthcare and it is not possible to be ethically neutral on this subject.

Additionally, to introduce buffer zones would deprive women of vital help. There are many complex reasons women consider abortion and many women report feeling ambivalent at the time of their abortion. It could be a partner or family member is pressurising them into a

decision; or they feel as though they need to choose between their child and their studies; or their financial situation makes them feel as though they have no other option. Instead of truly meeting the material and emotional needs of these women, abortion is presented as the only sensible solution. Many women report feeling as though they had ‘no choice’ but to have an abortion. Pro-life vigils present an alternative in a peaceful and loving way. Many children are alive today because their mother met a loving pro-life person directly outside an abortion facility – where desperate women most need help.

If we are ever to restore respect for human life, we must insist on pro-life freedom of speech and freedom of assembly. **It is important that as many people as possible respond to this consultation making clear their outright rejection of the Abortion Services (Safe Access Zones) Bill.**

WHO SHOULD RESPOND?

We are asking pro-life supporters in Scotland to respond to this consultation.

Please also forward this briefing to anyone you know who takes part in pro-life vigils in Scotland but may not have received this briefing from SPUC. Please encourage them to respond too.

ANSWERING THE QUESTIONS

The consultation lists 22 questions. These are suggestions on how to respond to the questions, but it is best if you can use your own words and include your own thoughts. The final question asks for additional comments. Please use this section to personalise your submission. It is important that each submission is personal to avoid multiple identical submissions being dismissed and counted as one single contribution. Personalising comments will help to avoid this. Responses from individuals are also preferable to group submissions.

CLOSING DATE

All responses should be received no later than **11:59 pm on Thursday 11 August 2022**. Please respond to this consultation and encourage other people to do the same.

HOW DO I RESPOND?

Electronic responses through the online survey are preferred. It can be accessed by going to:

<https://www.smartsurvey.co.uk/s/bufferzonesscotland/>

Alternatively, submissions prepared as an MS Word document can be sent by e-mail to: gillian.mackay.msp@parliament.scot

PRINTED RESPONSES SHOULD BE SENT BY POST TO:

Gillian Mackay MSP
Room MG.15
Scottish Parliament
Edinburgh EH99 1SP

ANSWERING THE QUESTIONS

PRELIMINARY QUESTIONS

Questions 1 to 8 deal with the personal information and contact details of those making the submission.

Q 1. This is a standard data protection declaration while **Q 2.** is addressed to children under 12 years of age.

Q 3. This asks whether the submission is being made by an individual or on behalf of a group. Please make submissions individually. For example, if a SPUC branch with several members wishes to respond to the consultation, it is better if each member makes an individual submission. These will be counted separately, while a joint submission representing the view of several people will be counted as a single contribution.

Q 4. This is to be completed by those making individual responses. It includes the option to: “... explain briefly what expertise or experience you have that is relevant to the subject-matter of the consultation”.

If you have any relevant experience with abortion personally or have witnessed the negative effects of abortion on family or friends, if you have a child or relative who was born with a disability or a personal story that has led you to become pro-life, then this will help to make your submission more individual and so harder to dismiss as unrepresentative of public opinion.

Q 5. This is to be completed on behalf of groups or organisations.

Q 6. This authorises the publication of the submission and whether the author’s name is published or withheld.

Q 7. This asks the name of the author. This must be supplied even if permission for publication has been withheld.

Q 8. This requests contact details. This is in case any clarification is required and this information will not be published.

VIEWS ON THE PROPOSAL

AIM AND APPROACH

Q 9. Which of the following best expresses your view of the proposed Bill?

- Fully supportive
- Partially supportive
- Neutral (neither support nor oppose)
- Partially opposed
- Fully opposed

Please elaborate on your response.

Please tick “Fully opposed” and then state why the proposal for buffer zones ought to be rejected. The following points can help you:

- Buffer zones are unnecessary, existing legislation can deal with any problems that might arise at pro-life events.
- This proposal is a direct attack on civil rights guaranteed by the Human Rights Act 1998 and the European Convention on Human Rights.
- Harassment, intimidation and threatening behaviour are already criminal offences. There is virtually no evidence that people taking part in pro-life vigils engage in any of these offences.
- These proposals seek to criminalise lawful, peaceful pro-life witness and as such represent a threat to everyone’s freedom of pro-life speech.

- In 2017, the Home Office considered the arguments for buffer zones but rejected them because they were unnecessary — existing legislation is capable of addressing any problems that might arise — they would be a disproportionate response to the complaints of abortion advocates and they represent an unwarranted infringement of fundamental human rights guaranteed in law such as freedom of expression and freedom of assembly.
- This proposal is part of the war on free speech promoted by cancel culture.
- This proposal targets peaceful citizens, not because of anti-social behaviour but for their pro-life views.
- Women are not always certain that they want an abortion even though they are entering the facility to keep the appointment for their abortion. At least one study shows that women are ambivalent about abortion and pregnancy.¹
- Women should not be denied the opportunity to receive help from pro-life people outside the facility where abortions are taking place.

1. Askelson NM, Losch ME, Thomas LJ & Reynolds JC (2015), "Baby? Baby not?" Exploring women's narratives about ambivalence towards an unintended pregnancy, *Women and Health* 55:842-858

Q 10. What is your view of the proposal for safe access zones being introduced at all healthcare settings that provide abortion services throughout Scotland?

- Fully supportive
- Partially supportive
- Neutral (neither support nor oppose)
- Partially opposed
- Fully opposed
- Unsure

Please explain the reasons for your response

Please tick “Fully opposed” and then state why the buffer zones are not acceptable anywhere in Scotland. The options listed as possible responses to **Q 9** are also suitable for this question. Do not worry about repeating your answers. In addition, you could also use one or more of the following points.

- The use of the term “safe access zone” is designed to create an impression that pro-life vigils present a danger to women. This is entirely false.
- Abortion advocates have provided no evidence to justify their accusations of harassment, intimidation or anti-social behaviour.
- Buffer zones are intended to silence those who hold opinions abortion advocates find intolerable.

Q 11. What is your view of the proposal for the ‘precautionary’ approach to be used, in which a safe access zone is implemented outside every site which provides abortion services?

- Fully supportive
- Partially supportive
- Neutral (neither support nor oppose)
- Partially opposed
- Fully opposed
- Unsure

Please explain the reasons for your response

Please tick “Fully opposed”. The ‘precautionary’ approach put forward in the Bill is one of its most disturbing aspects. It is designed to punish people attending pro-life vigils before any offence has been committed. In her consultation document, Ms MacKay lists five existing pieces of legislation that address criminal behaviour and public order offences. When discussing Section 38 of the Criminal Justice and Licensing (Scotland) Act 2010, she complains that this law:

“...focuses on punishing intimidating behaviour after the harm has been done.”

“...the police may only arrest and charge individuals with this offence if a crime is reported to them and sufficient evidence is provided.”

“...This means that abortion service users would likely have to make a police report themselves...”

In her Bill, Ms McKay seeks to give the police the power to arrest and charge pro-life people without any crime being reported and without the need to provide any evidence of a crime. In other words, simply taking part in a pro-life vigil would be a breach of the buffer zone and enough

for the police to intervene. You can use the following points to help you answer this question:

- The ‘precautionary’ approach is an unprecedented departure from the rule of law and should be categorically rejected.
- This approach seeks to punish people who have committed no crime and would allow the police to arrest and charge people without evidence of a crime. Such a proposal has no place in a free society.
- The proposal would condemn anyone taking part in a peaceful pro-life vigil “on summary conviction for breaching a buffer zone for the first time to imprisonment of a term not exceeding six months or to a fine not exceeding the statutory maximum, or to both such imprisonment and such fine.” Such a law should have no place in Scottish society.

Q 12. What is your view of the proposed standard size of a safe access zone being 150 metres around entrances to buildings which provide or house abortion services?

- Yes – Support this part of the proposal
- No – Believe they should be a different standard size
- No – Believe the size should be decided based on each site
- No – Do not support the introduction of safe access zones in any form
- Unsure
- Other – please detail below

Please explain the reasons for your response

Please tick “No – Do not support the introduction of safe access zones in any form.” You can use any of the points listed in the suggested responses to **Q 9** and **Q 10** to explain why no form of buffer zones is acceptable.

Q 13. What is your view of the proposal to ban all protests including both protests in support of and those in opposition to: A person’s decision to access abortion services (ie a woman having an abortion)?

- Fully supportive
- Partially supportive
- Neutral (neither support nor oppose)
- Partially opposed
- Fully opposed
- Unsure

Please explain the reasons for your response

Please tick “Fully opposed”. You can draw on the suggested responses to **Q 9** to explain why you object to this proposal.

- Protecting the peaceful exercise of the rights to freedom of expression and freedom of assembly is fundamental to the rule of law in a free society. No one should be punished for peacefully expressing their views on abortion or any other controversial issue.

Q 14. What is your view of the proposal to ban all protests including both protests in support of and those in opposition to: A person’s decision to provide abortion services (ie a doctor, nurse, or midwife)?

- Fully supportive
- Partially supportive
- Neutral (neither support nor oppose)
- Partially opposed
- Fully opposed
- Unsure

Please explain the reasons for your response

Please tick “Fully opposed”. You can draw on the suggested responses to **Q 9** and **Q 13** to explain why you object to the proposal.

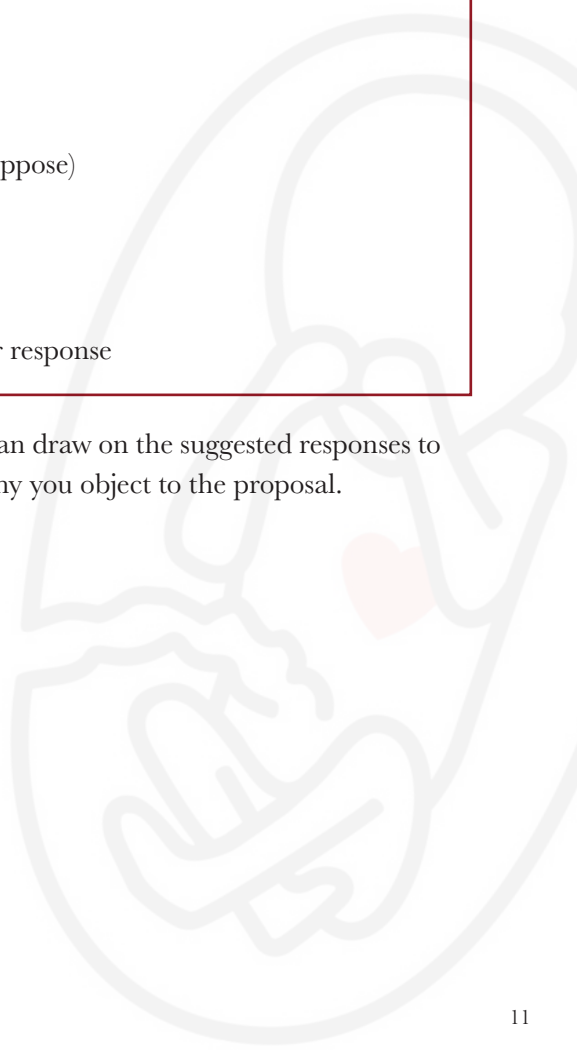
- Harassment and intimidation are already criminal offences. The existing law already protects abortion providers and provides the same guarantee for their safety shared by every person in Scotland.

Q 15. What is your view of the proposal to ban all protests including both protests in support of and those in opposition to: A person’s decision to facilitate provision of abortion services (ie administrative or support staff)?

- Fully supportive
- Partially supportive
- Neutral (neither support nor oppose)
- Partially opposed
- Fully opposed
- Unsure

Please explain the reasons for your response

Please tick “Fully opposed”. You can draw on the suggested responses to **Q 9**, **Q 13** and **Q 14** to explain why you object to the proposal.



Q 16. Which types of activity – when done for the purposes of influencing a person’s decision to access healthcare settings including abortion services - do you consider should be banned in a safe access zone? (tick as many from the list as you consider should be covered by the Bill)

- Persistently, continuously, or repeatedly occupying the zone
- Impeding or blocking somebody’s path or an entrance to abortion services
- Intimidating or harassing a person
- Seeking to influence or persuade a person concerning their access to or employment in connection with abortion services Fully opposed
- Demonstrating using items such as leaflets, posters, and pictures specifically related to abortion
- Photographing, filming, or recording a person in the zone
- All of the above
- None of these
- Other (include details below)

Please explain the reasons for your response

Please tick “Other”.

A key point to make is that these activities do not need to be banned because they do not happen at pro-life vigils. Pro-lifers at vigils outside abortion facilities are only offering help to those women who choose to take up the offer.

- Buffer zones are unnecessary as existing legislation is sufficient to deal with any criminal or threatening behaviour.
- Everyone has the right to communicate peacefully and respectfully with anyone else. Women considering abortion also have the right to hear about alternatives to abortion, the availability of financial assistance, the emotional harm and physical risks associated with

abortion and so on. With the pro-life message heavily censored in the media, a pro-life vigil may represent the only opportunity that some women will have to hear about these things.

Q 17. What is your view of the potential punishments set out in the proposal for breach of a safe access zone (see pages 15 to 16 of the consultation document)?

- Fully supportive
- Partially supportive
- Neutral (neither support nor oppose)
- Partially opposed
- Fully opposed
- Unsure

Please give reasons for your response, including commenting on whether this should be a criminal offence.

Please tick “Fully opposed”. You may like to look at pages 15-16 of the document and comment on one or more of the proposed punishments. The key point to make here is that the list of punishments is not applicable to peaceful pro-lifers who want to pray outside an abortion facility and offer loving help to women.

Q 18. Do you think there are other ways in which the Bill’s aims could be achieved more effectively?

- Yes
- No
- Unsure

Please elaborate on your response if you’d like to:

It is not necessary to tick any of the options for this question but please use any of the points above to stress your unequivocal opposition and call for the proposal to be scrapped.

FINANCIAL IMPLICATIONS

Q 19. Any new law can have a financial impact which would affect individuals, businesses, the public sector, or others. What financial impact do you think this proposal could have if it became law?

- a significant increase in costs
- some increase in costs
- no overall change in costs
- some reduction in costs
- a significant reduction in costs
- I don’t know

Please explain the reasons for your answer, including who you would expect to feel the financial impact of the proposal, and if there are any ways you think the proposal could be delivered more cost-effectively.

Please select “significant increase in cost”. The consultation document acknowledges that the proposal would incur the expense of a nationwide awareness campaign as well as the cost of investigating alleged violations

and the prosecution of those accused of violations. The consultation document estimates these costs as minimal to moderate but provides no basis for this assumption. Nor does it consider the potential cost of defending the legislation against the legal challenges which are almost certain to follow its implementation. The consultation document notes that Ealing Council in London spent £144,000 defending the introduction of a buffer zone in its area. The expense to Scottish taxpayers could be even higher if a successful challenger was awarded costs.

- Any extra expense resulting from this proposal would be a waste of money as there is no credible evidence that a problem exists that cannot be addressed by current means.
- The money spent on publicising and policing buffer zones would be a completely unnecessary expense since there is no justification for prohibiting members of the public from peacefully expressing their views on abortion.
- The use of public funds to prosecute members of the public for exercising freedom of speech and freedom of assembly is entirely illegitimate.
- Should this proposal become law it will almost certainly face a legal challenge. The cost of defending it in court would be totally disproportionate to the alleged problem it claims to address.
- The cost of defending this legislation against legal action will be an unnecessary drain on public finances especially if a successful challenger is awarded costs by the court.

EQUALITIES

Q 20. Any new law can have an impact on different individuals in society, for example as a result of their age, disability, gender re-assignment, marriage and civil partnership status, pregnancy and maternity, race, religion or belief, sex or sexual orientation.

What impact could this proposal have on particular people if it became law?

- Positive
- Slightly positive
- Neutral (neither positive nor negative)
- Slightly negative
- Negative
- Unsure

Please explain the reasons for your answer and if there are any ways you think the proposal could avoid negative impacts on particular people.

Please select “Negative”. Illegitimate restrictions of fundamental human rights — such as freedom of speech and freedom of assembly — of any group, have a negative impact on the human rights of everyone. Any limitation on these rights must fall within the exceptions set out in Article 10 and Article 11 of the European Convention on Human Rights (ECHR) or the Human Rights Act 1998 (See Q 17). This proposal is a direct assault on the right of peaceful members of the public who will be targeted not because of anything they have done but on the basis of the political opinions and religious beliefs they wish to express. Targeting individuals on the basis of their opinions may also amount to unlawful discrimination and therefore would violate Article 13 of the ECHR in conjunction with violations of Articles 10 and 11. The alleged purpose of the proposal is to protect the rights of the clients and staff of abortion facilities, however, it will have no human rights implications in this

regard. Being shielded from beliefs or opinions which we find wrong or objectionable is not a human right. The genuine rights of clients and staff of abortion facilities are already protected under existing legislation and this will not change.

- Restricting freedom of speech on the basis of political opinion and religious belief is not only unlawful under the terms of the European Convention of Human Rights, it is a threat to a functioning democratic society.
- Supporters of this proposal have provided no concrete evidence of criminal or threatening behaviour linked to pro-life vigils. This attempt to criminalise peaceful demonstrators, not for anything they have done but for the opinions they express is unlawful discrimination which represents a threat to everyone who may wish to express an unpopular opinion.
- The prosecution of peaceful protestors for their political opinions or religious beliefs is something usually associated with oppressive regimes. It should have no place in Scottish society.
- This proposal has no human rights implications for the clients and staff of abortion facilities. Being shielded from beliefs or opinions which we find wrong or objectionable is not a human right. The genuine rights of clients and staff of abortion facilities are already protected under existing legislation.

Q 21. Deals with the environmental impact and sustainability of the proposal. It is not necessary to answer this question which is routinely included in all consultations of this kind.

Q 22. Do you have any other additional comments or suggestions on the proposed Bill (which have not already been covered in any of your responses to earlier questions)?

If possible, please take the opportunity provided by this final question to offer any personal experience of the issues surrounding abortion, eg:

- Any personal experience you have of taking part in pro-life vigils.
- the emotional harm done to you or anyone you know affected by abortion (including men as well as women, grandparents, etc);
- the lack of assistance for women who feel they have no alternative to abortion;
- a story of someone who was helped during a crisis pregnancy;
- a story of a woman who was under pressure from a partner or her family to abort her baby;
- a story of a family under pressure from the medical profession to abort a baby with a disability.

CONCLUSION

Please encourage as many people as possible to respond to the consultation on the Abortion Services (Safe Access Zones) Bill. It is vital that we have a large response from pro-lifers in Scotland. If this Bill becomes law, there are likely to be other measures to prohibit public pro-life witness and the display of pro-life material in public areas.

If this proposal is successful in criminalising peaceful pro-life activities, it will become increasingly difficult in Scotland to defend women and children from the violence of the abortion industry.

For more information, or if you need help completing this consultation, please contact Margaret Akers at:
margaretakers@spuc.org.uk
or call the SPUC Scotland office on: 0141 221 2094.









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