



# Consultation guide

Consultation on the Scotland censorship zone Bill

<b>Introduction</b>	<b>2</b>
<b>How to respond</b>	<b>3</b>
Online - via consultation hub	3
Email	3
Post	3
<b>Consultation response guide</b>	<b>3</b>

**Right To Life UK**

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## Introduction

**Green MSP, Gillian Mackay, has launched a Bill to introduce censorship zones around all abortion clinics and healthcare settings that carry out abortions in Scotland.**

The consultation on this Bill is currently seeking submissions from the public and closes at 23:59pm on Thursday 11 August 2022.

Full details on the consultation are available here:

[https://www.parliament.scot/-/media/files/legislation/proposed-members-bills/abortion-services-safe-access-zones-consultation-document\\_final.pdf](https://www.parliament.scot/-/media/files/legislation/proposed-members-bills/abortion-services-safe-access-zones-consultation-document_final.pdf)

## How to respond

### Online - via consultation hub

1. Visit <https://www.bufferzones.scot/>.
  - o Select 'Consultation' on the top menu, click the 'Click here to complete the consultation online' button.
2. Complete the process
3. Submit

### Email

1. Complete your submission in a MS Word document.
2. Return your completed submission to:  
gillian.mackay.msp@parliament.scot

### Post

1. Complete your submission and print it.
2. Return your completed submission to:  
Gillian Mackay MSP  
Room MG.15  
Scottish Parliament  
Edinburgh EH99 1SP

## Consultation response guide

**For each question, we have provided a suggested answer and some guidance points that can be included in the optional comments section to support your answer. We recommended writing these points in your own words and including any other evidence or personal stories that are relevant.**

*Questions 1 - 7 collect personal information such as your name and contact details so we have not provided guidance on answering these questions.*

Which of the following best expresses your view of the proposed Bill?	
Full supportive	
Partially supportive	
Neutral (neither support nor oppose)	
Partially opposed	
<b>Fully opposed</b>	<b>x</b>
Unsure	

**Points that can be included in the optional comments section:**

- I am opposed to the bill because it is wrong to ban volunteers who peacefully pray and offer support to women entering abortion clinics. It would be a disproportionate response, and would prevent some women from receiving the support they want. It would infringe on Article 10 of the Human Rights Act [which states](#) that "Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers."
- The UK Government conducted an in-depth analysis in 2018 which [concluded](#) that "introducing national buffer zones would not be a proportionate response, considering the experiences of the majority of hospitals and clinics, and considering that the majority of activities are more passive in nature."
- All the examples in the [consultation](#) of women who reported distress from those outside clinics come from abortion provider BPAS and the group Back Off Scotland (a campaign led by BPAS) who are campaigning for buffer zones. Neither can be described as an impartial observer. It is not clear if any of these cases resulted in police investigations.
- Without police reports or investigations to demonstrate the need for new legislation, a national law to implement buffer zones is unnecessary and disproportionate, and

would undermine democracy and free speech. The proposals do not distinguish between activities causing harm and activities that people may disagree with. This is vital, given the serious proposed criminal offence.

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

Full supportive	
Partially supportive	
Neutral (neither support nor oppose)	
Partially opposed	
<b>Fully opposed</b>	<b>x</b>
Unsure	

**Points that can be included in the optional comments section:**

- A nationwide blanket ban on all vigils outside of abortion clinics is disproportionate and infringes on human rights.
- The consultation document does not provide evidence of widespread and serious harassment at clinics and hospitals in Scotland. Rather than a nationwide ban, consideration of evidence should be given to each vigil or demonstration outside an abortion clinic, as most are passive in nature.
- When the UK Government considered the issue of buffer zones in 2018 they [found](#) “national buffer zones would not be a proportionate response, considering the experiences of the majority of hospitals and clinics, and considering that the majority of activities are more passive in nature”.
- The review [found](#) less than 10% (36 of 363) of all hospitals and clinics that provide abortion in England and Wales “experienced anti-abortion demonstrations” in 2017. Recent [figures](#) show little increase since - since 2018, just 4 further hospitals and clinics in England and Wales have been affected.
- Similar in Scotland, as is [outlined](#) in the consultation document, according to the British Pregnancy Advisory Service (BPAS) and Back Off Scotland,, since 2017, only seven hospitals and clinics in Scotland have experienced vigils.

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?

Full supportive	
Partially supportive	
Neutral (neither support nor oppose)	
Partially opposed	
<b>Fully opposed</b>	<b>x</b>
Unsure	
<p><b>Points that can be included in the optional comments section:</b></p> <ul style="list-style-type: none"> <li>• A nationwide blanket ban on all vigils outside of abortion clinics is disproportionate and infringes on human rights, as current laws already exist to prevent actual harassment outside of abortion clinics. The consultation document does not provide evidence of widespread and serious harassment at clinics and hospitals in Scotland.</li> <li>• Current legislation allows local councils to introduce buffer zones where they think it is needed - as mentioned in the <a href="#">consultation</a>: "S201-204 of the Local Government (Scotland) Act 1973 allows local councils to create byelaws that could be used to ban protests related to pregnancy choices outside abortion clinics or hospitals."</li> <li>• Aberdeen City Council <a href="#">voted</a> to implement a buffer zone, which was supported by 'Back-off Scotland'."</li> <li>• Councillors in Edinburgh and Glasgow have <a href="#">expressed</a> an interest in setting up buffer zones around abortion clinics in June 2022 using existing legislation also.</li> </ul>	

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	
<b>No – Do not support the introduction of safe access zones in any form</b>	<b>X</b>
Unsure	
Other – please detail below	
<p><b>Points that can be included in the optional comments section:</b></p>	

- Buffer zones are unnecessary and infringe on essential human rights such as the freedoms of speech, expression and religion.
- If they were implemented, a blanket 150 metre 'standard size' zone would potentially violate freedom of expression at other locations too - if, for example, schools, doctors surgeries, private houses or places of worship were within the 150-metre zone.
- Earlier this year the UK Home Office Minister Kit Malthouse [said](#) of a similar amendment introduced in the House of Commons which called for 150 metres as a standard size for censorship zones, that "there are some difficulties with the scope of her new clause ... It goes much further than existing PSPOs and covers private dwellings and places of worship that fall within 150 metres of a clinic, as well as other premises where the behaviours she has described would not have the impact of interfering with access, but could be criminalised. That, I am afraid, would be disproportionate... it would also include doctors in surgeries within 150 metres of a clinic who offer advice to patients about abortions. That too would be disproportionate."

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)?

Full supportive

Partially supportive

Neutral (neither support nor oppose)

Partially opposed

**Fully opposed**

**x**

Unsure

**Points that can be included in the optional comments section:**

- I am opposed to banning all protests as many women are helped each year by those seeking to offer assistance to women close to clinics. Banning individuals from offering this assistance not only restricts freedom of expression ([Article 10 of the Human Rights Act](#)) but also may prevent women from accessing what often ends up being desired assistance.
- Many mothers in the UK have benefited from the help offered by individuals participating in vigils outside abortion clinics. Some of these mothers have launched the campaign [Be Here For Me](#), which highlights the value of support outside abortion clinics. These vigils typically consist of prayer, support, and dissemination of information.
- These activities are carried out, and support is offered to the women, including help with rent and housing, providing maternity and baby clothes and other financial

support, legal advice, and protection from domestic abuse, among other things. It takes place where women walk into clinics, because that is the place of need.

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)?

Full supportive	
Partially supportive	
Neutral (neither support nor oppose)	
Partially opposed	
<b>Fully opposed</b>	<b>x</b>
Unsure	

**Points that can be included in the optional comments section:**

- Banning individuals from expressing their views on abortion infringes on their human rights in terms of freedom of speech, expression and religion.
- A person who has decided to provide abortion services can provide abortions under current legislation, but their ability to do so should not limit the rights of others to disagree. In a mature society, we need to be able to peacefully agree to disagree.
- If a person demonstrating outside of an abortion clinic harrasses, threatens or intimidates someone providing services, existing legislation is in place to deal with this - [specifically](#) Section 38 of the Criminal Justice and Licensing (Scotland) Act 2010.

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)?

Full supportive	
Partially supportive	
Neutral (neither support nor oppose)	
Partially opposed	
<b>Fully opposed</b>	<b>x</b>
Unsure	

**Points that can be included in the optional comments section:**



- Banning individuals from expressing their views on abortion infringes on their human rights in terms of freedom of speech, expression and religion.
- A person who has decided to provide abortion services can provide abortions under current legislation, but their ability to do so should not limit the rights of others to disagree. In a mature society, we need to be able to peacefully agree to disagree.
- If a person demonstrating outside of an abortion clinic harasses, threatens or intimidates someone facilitating services, existing legislation is in place to deal with this - [specifically](#) Section 38 of the Criminal Justice and Licensing (Scotland) Act 2010.

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	
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	
<b>Other (include details below)</b>	<b>x</b>

**Points that can be included in the optional comments section:**

- Intimidation and harassment are [already](#) against the law. Given this, buffer zones in any form are unnecessary and infringe on free speech and essential human rights.
- The [consultation](#) refers to “activities such as displaying posters and graphic images, forming large marches or candlelit ‘vigils’, singing and praying loudly enough to be heard in waiting rooms, and handing out graphic and false medical information to deter or prevent women from accessing abortion care.” If the issue is with these specific actions, then the legislation should target these specific actions where police investigations have been opened in locations where incidents have happened. This proposed legislation, however, would ban peaceful, quiet demonstrations, as well as offering accurate information, resources and assistance to women who may actually desire to keep their child.

- The consultation's evidence base that harassment and intimidation are occurring outside abortion clinics come from abortion providers and other pro-abortion organisations, which cannot be reasonably deemed impartial sources of information. It is perfectly reasonable to argue that the threshold for creating new laws should be based on stronger, impartial evidence such as police reports, rather than anecdotal reports from abortion clinics.

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

Full supportive	
Partially supportive	
Neutral (neither support nor oppose)	
Partially opposed	
<b>Fully opposed</b>	<b>x</b>
Unsure	

**Points that can be included in the optional comments section:**

- Praying and engaging in peaceful freedom of expression should not be a criminal offence. The punishments set out are far too excessive given the proposals do not distinguish between activities causing harm and activities that people may disagree with.
- Imprisonment of a term not exceeding six months, in the first instance, or up to two years for further instances, is both unreasonable and disproportionate, and would mean someone who is silently praying in a 'safe' zone could go to prison for 6 months.

Do you think there are other ways in which the Bill's aims could be achieved more effectively?

<b>Yes</b>	<b>x</b>
No	
Unsure	

**Points that can be included in the optional comments section:**

- Current laws already provide wide-ranging powers for authorities to keep public order and protect women and the public from genuine harassment and intimidation, including outside abortion clinics.
- The consultation cites S201-204 of the Local Government (Scotland) Act 1973 which “allows local councils to create byelaws that could be used to ban protests related to pregnancy choices outside abortion clinics or hospitals”, specifically citing byelaws under section 201.
- In November 2021 the Scottish Government [said](#) it “ will support any local authority that wishes to introduce byelaws to ensure that women have protected spaces and are not harassed as they access healthcare”. The SNP manifesto from 2021 also [refers](#) to this.
- It is clear that the existing bye-laws can be used to deal with individual cases where they are needed due to evidence of harassment. In July 2022 Councillors in Edinburgh [indicated](#) they plan to approach the Scottish Government “to express an interest in Edinburgh being considered as one of the test councils’ to try and use byelaws to create buffer zones”. Similarly, Aberdeen City Council is also [investigating](#) how to use byelaws to implement a buffer zone.
- The consultation refers to the Antisocial behaviour etc. (Scotland) Act 2004 which “can be issued where the public has been alarmed or distressed and where behaviour has become significant, persistent, and serious.”
- The consultation provides no evidence as to why Police Scotland cannot address the problem of genuine harassment and intimidation around abortion clinics using this existing legislation, saying that the orders can only be used where “behaviour has become significant, persistent, and serious”. This threshold for where such legislation should be applied should be welcomed, as opposed to blanket orders which are disproportionate and impinge on essential freedom of speech and expression.

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?

<b>A significant increase in costs</b>	<b>x</b>
Some increase in costs	
No overall change in costs	
Some reduction in costs	
A significant reduction in costs	
I don't know	

**Points that can be included in the optional comments section:**

- New legislation will likely lead to a significant increase in costs. The consultation only says “there would be an associated cost”.
- Enforcing such a law if introduced would require significant additional police resourcing and additional CCTV as it would have to cover all clinics and hospitals in Scotland where abortions take place. This is not costed in the consultation.

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	
<b>Negative</b>	<b>x</b>
Unsure	

**Points that can be included in the optional comments section:**

- This proposed law would negatively impact freedom of speech, freedom of expression and freedom of belief, as it risks criminalising these views. It risks discriminating against people on the basis of religious belief, and so could be found to be in breach of the Equality Act 2010, which [outlaws](#) discrimination against someone because of their 'protected characteristics'.
- A law would also discriminate against women as it would effectively block them from receiving support and help from those holding vigils close to clinics.

Any new law can impact on work to protect and enhance the environment, achieve a sustainable economy, and create a strong, healthy, and just society for future generations. Do you think the proposal could impact in any of these areas?

<b>Yes</b>	<b>x</b>
No	
Unsure	

- According to [Public Health Scotland](#) women from the most deprived areas have abortion rates twice as high as those from the least deprived areas. The Bill deprives women in deprived areas the opportunity of being offered financial and material support while offering no additional help.

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?

**Points that can be included in the optional comments section:**

- Polling shows there is little public support for introducing nationwide buffer zones. A SavantaComRes [poll](#) from June 2021 shows that only 30% of the Scottish population support introducing 'buffer' zones around abortion clinics nationwide.
- A blanket law of the kind proposed is a poor way to draft legislation, and will inevitably lead to unintended consequences, potentially threatening the freedom of speech, freedom of assembly and freedom of belief of others inside the proposed 'safe zone'. Could a doctor, teacher or social worker, for example, operating within the buffer zone who expresses an opinion about a woman's decision to proceed with an abortion in the course of their profession be prosecuted?
-