

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



What is it about?

Gillian Mackay MSP, member for Central Scotland Region, has launched a consultation on a proposed Bill to introduce 'safe access zones', or buffer zones, around abortion facilities in Scotland. Ms Mackay's paper claims buffer zones are necessary because "abortion service users and providers have reported experiencing harassment, alarm and distress outside healthcare facilities".

The [Proposed Abortion Services \(Safe Access Zones\) \(Scotland\) Bill](#) would create a 150 metre zone around all abortion facilities in Scotland, and criminalise certain behaviour within that zone.

The proposed new law would prohibit the following:

- Persistently, continuously, or repeatedly occupying a safe access 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; and
- Photographing, filming, or recording a person in the zone.

The maximum punishment under the proposal is a prison sentence of up to six months for a first offence and up to two years imprisonment for subsequent offences.

What are the concerns?

The proposals are a threat to civil liberties, specifically: freedom of expression (including the right to receive and impart information and ideas) and freedom of assembly. There is also a potential clash with the right to freedom of thought, conscience and religion. The proposed punishment is severe.

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Existing law is adequate to deal with any problems which may arise at public gatherings. For example, the following legislation already exists in relation to complaints of harassment, alarm and distress:

- The Protection from Harassment Act 1997 protects people from harassment by the creation of non-harassment orders.
- The Criminal Justice and Licensing (Scotland) Act 2010 establishes an offence of threatening and abusive behaviour which is likely to cause fear and alarm.
- The Antisocial Behaviour etc (Scotland) Act 2004 allows police to issue a dispersal order where there is public alarm or distress.
- The Public Order Act 1986 gives police the power to impose conditions on public processions and public assemblies.

There is also the fundamental question of the morality of abortion. An important task of the political community is to recognise and respect human dignity through defending and promoting fundamental and inalienable human rights. Every society must accept and defend human dignity through its laws and every other just means available, starting with the protection of innocent life, which includes the right of the child to develop in his or her mother's womb from the moment of conception.

If we are to be the caring and compassionate society we aspire to be, upholding the sanctity and dignity of all human life must be the foundational principle upon which that aspiration rests. An unborn life, once taken, can never be restored.

Have your say

Have your say on this important issue by completing the online survey today. The deadline for responses is **Thursday 11th August 2022**.

[Click here to access the survey](#)

You can access more information about the proposal by [clicking here](#).