




# CONSULTATION

Abortion Services  
Safe Access Zones  
Consultation  
Response (2022)



**RAPE  
CRISIS  
SCOTLAND**

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

**Fully supportive**

Please explain the reasons for your response

Rape Crisis Scotland is Scotland's leading organisation working to end sexual violence. We work to raise awareness of the prevalence and impact of rape, sexual assault and abuse, advocate for better health, justice and community responses, and work to make sure that no matter what happened or when, survivors can access specialist support.

We strongly believe that access to abortion services is a basic healthcare need and a right for the survivors we represent, and that barriers to accessing healthcare facilities will put them at a great disadvantage.

Survivors may need to safely access abortion health care facilities for a variety of reasons which can include the instance of a pregnancy resulting from rape or sexual violence. They may also be receiving other types of healthcare from the same facilities which provide abortion services, including sexual health treatment and forensic medical procedures.

Anti-abortion protests outside clinics have a clinical, emotional and psychological impact. The activities of anti-abortion protesters cause distress and have the potential to cause trauma to survivors accessing abortion services.

The tactics they have deployed involve targeting people attending the clinics, passing out distressing information in leaflets and pictures and displaying such messages on banners. The most concerning behaviour which we have seen evidence of is these anti-abortion protestors targeting people in a bid to challenge them or deter them from having an abortion or receiving healthcare.

Such actions may cause them to defer their treatment or purchase illegal abortion pills online from unregulated providers. This impact will be particularly acute for survivors of rape and sexual.

We strongly support the introduction of legislation which would further protect survivors of sexual violence and rape accessing essential abortion services without the fear of intimidation or harassment. We support the introduction of

safe access zones around abortion clinics and healthcare settings which provide abortion services.

**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**

Please explain the reasons for your response

We support that safe access zones should be introduced at all healthcare settings providing abortion services. If safe access zones were limited only to environments where protests and harassment of service users is prevalent, there is a significant risk that protestors would move to other healthcare settings without safe access zones and continue to harass and intimidate service users in these settings. Survivors accessing these services need to be reassured that this protection is guaranteed.

**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**

Please explain the reasons for your response

See answer to question 10, we support that the safe access zones be introduced at all healthcare facilities providing abortion services.

**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**

Please explain the reasons for your response.

The safe access zone should be wide enough to allow for unimpeded, harassment-free access to abortion services by service users. This includes being mindful of transport links, public transport and parking facilities, for abortion healthcare users and staff.

We note that in Victoria, Australia the law prohibits communicating about abortion in a manner "*reasonably likely to cause distress or anxiety*" within a zone of 150 metres around abortion clinics (Section 185D of the *Public Health and Wellbeing Act 2008* (Vic)) and in Tasmania, the law prohibits a protest in relation to terminations "*that can be seen or heard by a person accessing a clinic within 150 metres*" (Section 9(2) of the Reproductive Health (Access to Terminations) Act 2013 (Tas)).

These distances were judged as lawful in the case of *Clubb v Edwards; Preston v Avery* [2019] HCA 11, as although it does to a small extent infringe upon expression rights, it does so only to "serve the purpose of protecting the safety, wellbeing, privacy and dignity of persons accessing premises where terminations are provided", whilst allowing protestors to express their rights from a distance.

We agree with the proposal that Local Authorities should have discretion to increase this distance, if it is necessary to facilitate harassment-free access to services in certain settings (e.g. to facilitate access to public transport stations out with the 150m radius).

### **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)?**

#### **Support**

Please explain the reasons for your response.

We recognise that this Bill has been introduced to respond to concerns that have been raised regarding the protest activities of anti-abortion protestors at abortion service facilities. However, any interference with access to services has potentially negative implications for survivors whether this is from pro-choice or anti-abortion groups.

We wish to highlight that any protest of this nature is inappropriate to take place within the proposed safe access zones of healthcare facilities.

**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)**

Support

Please explain the reasons for your response.

See answer to question 13, the same protections should apply for those providing abortion services.

**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)?**

Neutral (neither support nor oppose)

Please explain the reasons for your response.

See answer to question 13

**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))**

**All of the above**

We strongly support the banning of all these methods of protest within the safe access zone. They all have the potential to make survivors feel vulnerable, stigmatised and fearful for the violation of their privacy. All of these are potentially distressing.

Testimonies from those affected by anti-abortion protesters show that service users can find invasive behaviour from anti-abortion groups outside service providers extremely distressing- and it can often re-ignite past trauma. *"Even a solitary protester simply praying, or staring can be intimidating, especially to those with mental health issues or where this may trigger memories of past abuse or trauma"* (<https://bills.parliament.uk/Publications/46828/Documents/1962>).

In the case of *Clubb v Edwards* (cited above) it was stated that "[s]ilent but reproachful observance of persons accessing a clinic for the purpose of terminating a

*pregnancy may be as effective, as a means of deterring them from doing so, as more boisterous demonstrations"*

Banning all types of anti-abortion activity within the safe access zones, therefore ensures that survivors and other service users accessing abortion services can do so in a way that ensures their safety and human rights.

**17. 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)?**

We submit that any punishment for the breach of the safe access zone should be sufficient to act as an effective deterrent to committing such a criminal offence.

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

**No**

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

The Bill's aim to introduce safe access zones is seen as an effective way to eliminate the intimidation and harassment women and pregnant people experience when exercising their bodily autonomy and reproductive rights. RCS considers the Bill necessary as one means of allowing women to access their healthcare rights.

**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.**

We see that limiting access to abortion health care services will have further detrimental consequences for certain communities, some of whom will already find it harder to access these essential services. We see that survivors of colour, disabled survivors and LGBTQI+ survivors may face exacerbated barriers to accessing these essential health services. These barriers are compounded when intersectional inequalities coexist. Specific care and focus on the needs and inclusion of these communities is required. This applies throughout the scope of this consultation.

This bill will protect the rights of all women (and others accessing these services) to privacy and to bodily autonomy and as such will have a positive impact.

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

**21. 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?**

**Please explain the reasons for your answer, including what you think the impact of the proposal could be, and if there are any ways you think the proposal could avoid negative impacts?**

The law will contribute to a society where women's fundamental human rights are respected.