

Abortion (Safe Access Zones) Bill consultation

RCGP Scotland consultation response

18.12.23

RCGP Scotland welcomes the opportunity to respond to the consultation on the Abortion (Safe Access Zones) Bill. RCGP Scotland is the membership body for general practitioners in Scotland, and we exist to promote and maintain the highest standards of patient care.

Do you agree with the purpose of the Bill?

RCGP Scotland agrees with the purpose of the proposed Bill which would enable women to access, and healthcare professionals to provide, a lawful, confidential health service without harassment and intimidation.

While we respect the right of citizens to peacefully protest, we believe that these protests should not take place at health care settings. This is for the protection of patients and staff from fear and alarm, but crucially this bill will prevent the actions of protesters that pose a significant risk of deterring patients from accessing necessary treatment.

Do you agree that the Safe Access Zone radius around protected premises should be set at 200 metres?

No Comment.

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?

No Comment.

Do you agree with the definition of “protected premises” outlined in the Bill and its accompanying documents?

There is concern that if protests are banned via safe access zones only around key reproductive healthcare settings, protests could simply be diverted to other healthcare settings that deliver abortion care with implications for staff and patients using co-located services, including GP practices.

RCGP Scotland has concerns that in the case that protests are prohibited at premises which provide abortion, then other premises linked to the procurement of abortion may become the new target of these demonstrations. The Abortion Services (Safe Access Zones) Act (Northern Ireland) 2023 extends the definition of “protected premises” to places which provide ‘information, advice or counselling relating to treatment for the termination of pregnancy’. The addition of a similar amendment to the Abortion Services (Safe Access Zones) (Scotland) Bill could ensure safety for patients and staff at GP practices. We appreciate that the bill makes an allowance for the definition of protected premises to be extended to ‘a building or place at which treatments or services relating to abortion services are provided.’ but note that this would be on

an individual basis. We would welcome consideration to this expanded definition to avoid protests deferring to other healthcare settings.

Do you feel that the penalty for offences related to the Bill is appropriate?

No Comment

Do you feel the criminal offences created by the Bill are proportionate in terms of the activities they cover?

No Comment.

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?

RCGP Scotland believes that every citizen in Scotland has the right to access health care services, free from intimidation and harassment, and regardless of any perceived controversies. Residents of Northern Ireland can access abortion services in Scotland for free. Abortion is healthcare.

We respect the right to peacefully protest, but it is our view that the nature of protests that have been observed across the UK appear to have the aim of deterring access to abortion. This goes against Article 8 of the European Convention on Human Rights (the right to respect for private and family life, home and correspondence), violates the right to medical privacy, and risks impinging on a patient's access to necessary treatment.

The rights outlined in articles 9, 10 and 11; the right to freedom of thought, conscience, and religion, right to freedom of expression and the right to freedom of peaceful assembly and to freedom of association with others, do not overrule the right to medical access and privacy and RCGP Scotland believes that the restrictions proposed are lawful, necessary and proportionate.

Do you think that the Bill's intended policy outcomes could be achieved through another means, such as existing legislation?

Given the reports of protest at healthcare settings that provide abortion services, the College agrees that the current legal protections are inadequate in protecting healthcare workers and people seeking abortion care, alongside others seeking healthcare from these providers.

Examples, such as those relayed to the Home Secretary Rt Hon James Cleverly by RCGP, include instances where current legislation has either created confusion, exposed gaps, or failed to be enforced. These include instances such as the filming of women attending healthcare appointments and local residents feeling frustrated with the police where calls to remove protesters have not been actioned. While some areas have implemented their own measures to limit protester activity, such as Ealing Council's public spaces protection order (PSPO) around the Marie Stopes clinic, RCGP feels that continuing with a localised approach to this legislation will have the impact of compounding a postcode lottery effect. As some groups are known to travel across the country, and to be well funded, relying on local councils to enact protections could result in protest groups simply moving their activity to sites with lesser protections.

Do you have any further comments about the Bill?

No Comment