

Information Requested

Maree Todd MSP
Minister for Public Health, Women's Health, and Sport
The Scottish Government
St Andrew's House
Regent Road
Edinburgh
EH1 3DG

28 June 2021

Dear Minister,

I hope that this letter finds you safe and well. My name is [Redacted] and I am the co-founder of a campaign called Back Off Scotland. Back Off Scotland is a small grassroots campaign which looks to introduce legislation that will enact 150 metre 'buffer zones' around clinics providing abortion services throughout Scotland to mitigate pro-life clinic protests.

Our campaign started last October following a surge of pro-life protests outside Chalmers Clinic in Edinburgh, and since then we managed to secure a commitment from Edinburgh City Council in response to our 5,000-strong petition to enact buffer zones in the city. We have also collected over 3,000 signatures on our Change.org petition and have worked closely with the British Pregnancy Advisory Service (BPAS) and Humanist Society Scotland – the latter of whom conducted a survey earlier this year that found 82% of Scots to be in support of buffer zones.

In May, I met with Scottish Government abortion policy officials to make the case for national legislation with BPAS and Humanist Society Scotland. Now that you have been appointed as the Minister who presides over this policy area, and there is a manifesto commitment, I would very much welcome the opportunity to meet with you. I would really like to introduce you to two tenacious and brave young women on our campaign team, [Redacted]. Both [Redacted] faced pro-life protesters outside Chalmers Clinic and Queen Elizabeth University Hospital respectively when accessing abortion services themselves and I think it would be beneficial for you to hear their experiences first-hand.

I look forward to hearing from you in due course.

Kind regards,

[Redacted]

Co-Founder and Head of Policy
Back Off Scotland

[Redacted]

Our Reference: 202100219440
Your Reference: Back Off Scotland

30 July 2021

Dear **[Redacted]**,

Thank you for your letter of 28 June 2021 to Maree Todd MSP, Minister for Public Health, Women's Health, and Sport, regarding a meeting to discuss Back Off Scotland's campaign for buffer zones around clinics providing abortion services.

Ms Todd would be pleased to meet with you, **[Redacted]** to discuss your campaign. Please contact us via email at MinisterPHWHS@gov.scot and a meeting date can be arranged for you.

Yours sincerely,

[Redacted]
Private Secretary

From: **[Redacted]**@parliament.scot
Sent: 23 June 2021 11:08
To: Cabinet Secretary for Health and Social Care <CabSecHSC@gov.scot>
Cc: Cabinet Secretary for Justice and Veterans <CabSecJV@gov.scot>
Subject: Representations from Anas Sarwar MSP

Good morning,
Please find below representations to the Cabinet Secretary from Anas Sarwar MSP.
Kind regards,

[Redacted]
Office of Anas Sarwar MSP

Humza Yousaf MSP
Cabinet Secretary for Health and Social Care

Dear Humza,

Re: **[Redacted – personal data]**

I refer to the email attached from a constituent of mine. I am also copying in Keith Brown as Justice Secretary.

It concerns me that protests are taking place outside the QEUH maternity unit. Women have a right to access healthcare arrangements without fear or intimidation. I have also written to Police Scotland and await their response but in the meantime I should be obliged if you would advise what steps the Scottish Government can take to ensure women do not face intimidation as they approach the hospital.

Kind regards,

Anas
Anas Sarwar MSP
Leader of the Scottish Labour Party
Member of the Scottish Parliament for Glasgow
Tel: **[Redacted]**
www.anassarwar.co.uk
www.twitter.com/AnasSarwar
www.facebook.com/AnasSarwar

From: **[Redacted]**
Sent: 10 June 2021 12:22
To: **[Redacted]**
Subject: RE: Acknowledgement & Privacy Notice

I write to you in regards to the religious group 40 Days for Life, who have been protesting, daily, **[Redacted – personal data]** throughout COVID.

I have contacted Police Scotland on a number of occasions, as this group are displaying offensive signs, making offensive statements, and gathering in numbers higher than permitted with covid restrictions in place.

The group are protesting a woman's right to choose, outside the maternity unit of QEUH. They gather there daily, with no social distancing or masks, and I have asked them on a number of occasions to protest elsewhere. They are outside **[Redacted – personal data]**. I have approached the group in the past to make them aware that their presence makes me deeply uncomfortable **[Redacted – personal data]**, and have asked them politely and respectfully to reduce the volume. I asked them this because **[Redacted – personal data]**.

[Redacted – personal data]. This is untrue, I have spoken to Police Scotland on a number of occasions and they have always been understanding and have reported to be sending officers out to disperse the group in the past.

It was claimed by the leader of this group that Police Scotland are fully aware of their daily gatherings outside a maternity unit which sees hundreds of vulnerable people cross it's threshold. It has been widely reported that this group intimidate and harass service users at maternity units all across the UK across news providers.

While I understand their right to protest, is there any way to stop this group from causing **[Redacted – personal data]**, and distress to the many women who are

subjected to their grotesque images, offensive statements, and perpetual chanting while trying to access healthcare?

I would be interested in discussing this, and in particular the statements made around Police Scotland being aware of these demonstrations and being in support of them with an MSP as soon as possible.

Yours sincerely,
[Redacted]

From: Kevin.Stewart.msp@parliament.scot <Kevin.Stewart.msp@parliament.scot>
Sent: 20 September 2021 12:10
To: Minister for Public Health, Women's Health & Sport
<MinisterPHWHS@gov.scot>
Subject: (Case Ref: KS7105)

Dear Maree,

I have been contacted by a number of constituents with regards to the Back Off Scotland campaign. Please see below for redacted correspondence from my constituents.

I understand there have been anti-choice protests returning to various sexual health clinics around the UK which can make women attending these appointments extremely anxious and uncomfortable. This feeling has been escalated due to the pandemic and many folks having to attend appointments alone.

I note that the campaign is not looking to stop protest, just to create a buffer zone so these women attending appointments can walk through the doors harassment free.

I would be grateful if you could give your consideration to the points raised by my constituents and provide any further information on this matter.

I look forward to hearing from you.

Kind regards,
Kevin

Kevin Stewart MSP
Aberdeen Central

Tel: [Redacted]
www.twitter.com/@KevinStewartSNP
www.facebook.com/KevinStewartSNP

"I am writing to you in support of the Back Off Scotland campaign. We are campaigning for the Scottish Government to create 150m buffer zones around ALL clinics and hospitals that provide abortion services in Scotland. It's imperative that the government step in to protect our right to harassment-free access to essential medical services.

This letter comes at the time of anti-choice protests returning to various sexual health clinics around the UK, including Scotland. Earlier this year a Humanist Society Scotland survey showed that 82% of Scots believe that buffer zones should be created. But unfortunately the Scottish Government disagree and describe a ban as a 'disproportionate' response. Across the UK, 49 hospitals, GP surgeries, and clinics have had protests outside their gates. 7 of the NHS premises targeted are in Scotland. And in 2019, over 100,000 women went to clinics that anti-choice demonstrations targeted last year.

As a result of Covid-19, some people having abortions are having to attend appointments alone - meaning they may not have the support they need to cope with this type of presence.

The type of activity differs across the country, and they're organised by many different groups. There are people who stand outside hospitals with graphic posters and signs, people who approach service users and passers-by and give out false messages about abortion care and vaccines, people who shout at patients and intimidate them, telling people who have had abortions that they will get cancer.

The clinics and hospitals targeted do not exclusively offer services related to abortion, therefore any anti-choice activity is not targeted exclusively at people seeking this element of healthcare. Such clinics often offer services to victims of sexual assault, services regarding menopause and premenstrual syndrome and gay men's clinics to name just a selection. These visitors may prefer to remain anonymous or may be vulnerable to approaches from anti-choice individuals. The presence of anti-choice activity at such close proximity to the entrance of the medical facility therefore risks preventing a range of people from accessing vital healthcare. For visitors with mental health issues, learning difficulties and past trauma, it can already be difficult to access this type of healthcare, even without physical barriers, and missing appointments can be severely detrimental to their long-term health and wellbeing.

Buffer zones would put a stop to this harassment - moving anti-choice activity away from the clinic and hospital gates and allowing people to access care free from harassment, alarm, and distress. Anti-choice groups would still be able to protest outside Holyrood, on the High Street, on the internet - but wouldn't be able to target individual patients who are trying to access legal, essential services.

Buffer zones like this are already in place in three English councils, and have been upheld by two separate courts. In Ealing in London, a persistent protest over many years led to an atmosphere of tension, intimidation, harassment, and distress - not just for abortion patients but for people living in the local area too. The council told the court that some of the past users of the clinic were still 'significantly affected by their encounters with the activists' many years on. Judges in the High Court and

Court of Appeal in London ruled that a buffer zone was necessary to protect the rights of service users to access care confidentially and without fear of harassment, while only requiring the protesters to move a few hundred metres down the road.

Across Scotland (and the UK), this type of activity continues unchecked. Existing laws are not enough to put a stop to this activity and the police do not have the powers they need to take action. Anti-choice individuals take advantage of the insufficiency and incompleteness of the existing law to impinge on a person's access to care.

That is why I am asking you to support the introduction of a new legal provision, based on laws already in place in Canada, Australia, and the Isle of Man, to move these protesters away from the hospital entrance. Not to stop protest, but to tell them that harassing people trying to access healthcare is not acceptable.

This change in law is supported by the Royal College of Obstetricians and Gynaecologists, the Royal College of Midwives, the British Medical Association, the British Pregnancy Advisory Service, Scottish Humanists, and Scottish Women's Aid.

We would ask for your support and hope that we can work together to protect anyone seeking vital medical services from harassment and allow patients the anonymity and privacy they deserve.”

From: emma.rodick.msp@parliament.scot <emma.rodick.msp@parliament.scot>
Sent: 19 September 2021 16:33
To: Cabinet Secretary for Health and Social Care <CabSecHSC@gov.scot>
Subject: Buffer Zones for Abortion Services

Good afternoon,

Please find attached a letter for the Cabinet Secretary regarding buffer zones for abortion services.

Kind regards,

Emma
Emma Roddick MSP
Highlands & Islands | A' Ghàidhealtachd agus na h-Eileanan
Scottish National Party (SNP) | She/Her
emma.rodick.msp@parliament.scot

M3.01a, The Scottish Parliament, Edinburgh, EH99 1SP
www.emmaroddick.scot

Mr Humza Yousaf MSP
Cabinet Secretary for Health and Social Care
Health and Social Care
Scottish Government, St. Andrews House
Regent Road
Edinburgh
EH1 3DG

19 September 2021

Re: Buffer Zones for Abortion Services

Dear Humza,

I am writing following comments made by the Scottish Government regarding buffer zones for abortion clinics; namely that these are not being considered due to potential for legal action from anti-choice campaigners and a feeling that this action would be “disproportionate”.

I am deeply concerned that we are letting down people who are experiencing harassment and intimidation for accessing health services in Scotland while three local authorities in England have already implemented buffer zones to protect patients in those areas.

As you will be aware, most clinics which provide abortion services also see patients who have suffered miscarriages, are victims of sexual assault, or are experiencing problems with menstruation or menopause. Those people are not exempt from the type of harassment we have seen occur across the country.

I note also that the very recent Women’s Health Plan made a commitment to exploring options to reduce such harassment with the NHS and local authorities. I hoped you would be able to provide some clarification on these two points:

Will the Scottish Government reconsider the decision not to pursue buffer zones in order to address harassment issues?

What other options for addressing the very real issue of harassment towards people are being explored as per the commitment in the Women’s Health Plan?

Yours sincerely,
Emma Roddick MSP

-----Original Message-----

From: [Redacted]

Sent: 15 May 2021 15:40

To: First Minister <firstminister@gov.scot>

Subject: Ban on Pro-Life Protests Outside Clinics

Dear First Minister,

I am a [Redacted] school student from North Lanarkshire so I do not have a big platform or much power, hence the reason why I am putting this issue forward to you. As a woman, you are probably aware that abortions are a very controversial subject with a terrible stigma surrounding them. Although the progress made to legalise abortions is amazing, you may be aware of the Pro-Life Protests that still take place, mainly outside of abortion clinics. As you can well imagine, for a woman, going through the process of having an abortion must be traumatising and play havoc on their physical health, but more so their mental health. These protests attack struggling women who are most likely going through a painfully hard time, so you can only imagine the effect these protests have on the women as they are screamed at and belittled. Large groups of people are personally victimising women for a very personal matter and I think it is time this comes to an end, too many vulnerable women are being made to feel guilty and ashamed by these vicious protesters. As someone who holds much power and authority over the people of Scotland, I think you should take a stand and introduce a ban on pro-life protesters outside of abortion clinics or introduce a fine for those protesting within a close proximity of the clinics. I am a politics student so I know that bills and laws are not passed easily however I think this is such an important issue which requires immediate action before more women become victims of these attacks. I think you are a great leader who I have proudly voted for, and an amazing female figure for younger girls in Scotland to look up to, and I think that this would benefit the women of Scotland and the future women of Scotland immensely.

I hope that this reaches you and that you can take the time to respond, Many thanks,
[Redacted]

Dear Minister,

I have forwarded on concerns from my constituent, [Redacted], regarding the creation of buffer zones around abortion clinics.

I would be grateful if the Scottish Government could provide information as to whether it is considering this legislation and if not, why not.

Kind regards
Daniel

Daniel Johnson MSP
[Redacted]
danieljohnson.org.uk
Constituency Office
134 Comiston Road, Edinburgh, EH10 5QN

From: [Redacted]
Sent: 9 March 2021 15:47
To: Johnson D (Daniel), MSP
Subject: Stop the harassment of abortion patients outside clinics and hospitals

CAUTION: This e-mail originated from outside of The Scottish Parliament. Do not click links or open attachments unless you recognise the sender and know the content is safe.

[Redacted]

Dear Daniel Johnson,

I am writing to you in support of the Back Off Scotland campaign. We are campaigning for the Scottish government to create 150m buffer zones around clinics and hospitals that provide abortion services for the right to harassment-free access to essential medical services.

This letter comes at the time of anti-choice protests returning to various sexual health clinics around the UK, including Scotland. Across the UK, including Scotland, 70% of the population believe in a person's right to end their pregnancy if they do not want a child - so you would hope that this type of activity is unusual. But unfortunately, across the UK, 49 hospitals, GP surgeries, and clinics have had protests outside their gates. 7 of the NHS premises targeted are in Scotland. And in 2019, over 100,000 women went to clinics that anti-choice demonstrations targeted last year.

As a result of the current Covid-19 restrictions, some people having abortions are having to attend appointments alone - meaning they may not have the support they need to cope with this type of presence.

The type of activity differs across the country, and they're organised by many different groups. There are people who stand outside hospitals with graphic posters and signs, people who approach service users and passers-by and give out false messages about abortion care and vaccines, people who shout at patients and intimidate them, telling people who have had abortions that they will get cancer.

The clinics and hospitals targeted do not exclusively offer services related to abortion, therefore any anti-choice activity is not targeted exclusively at people seeking this element of healthcare. Such clinics often offer services to victims of sexual assault, services regarding menopause and premenstrual syndrome and gay men's clinics to name just a selection. These visitors may prefer to remain

anonymous or may be vulnerable to approaches from anti-choice individuals. The presence of anti-choice activity at such close proximity to the entrance of the medical facility therefore risks preventing a range of people from accessing vital healthcare. For visitors with mental health issues, learning difficulties and past trauma, it can already be difficult to access this type of healthcare, even without physical barriers, and missing appointments can be severely detrimental to their long-term health and wellbeing.

Buffer zones would put a stop to this harassment - moving anti-choice activity away from the clinic and hospital gates and allowing people to access care free from harassment, alarm, and distress. Anti-choice groups would still be able to protest outside Holyrood, on the High Street, on the internet - but wouldn't be able to target individual patients who are trying to access legal, essential services.

Buffer zones like this are already in place in three English councils, and have been upheld by two separate courts. In Ealing in London, a persistent protest over many years led to an atmosphere of tension, intimidation, harassment, and distress - not just for abortion patients but for people living in the local area too. The council told the court that some of the past users of the clinic were still 'significantly affected by their encounters with the activists' many years on. Judges in the High Court and Court of Appeal in London ruled that a buffer zone was necessary to protect the rights of service users to access care confidentially and without fear of harassment, while only requiring the protesters to move a few hundred metres down the road.

Across Scotland (and the UK), this type of activity continues unchecked. Existing laws are not enough to put a stop to this activity and the police do not have the powers they need to take action. Anti-choice individuals take advantage of the insufficiency and incompleteness of the existing law to impinge on a person's access to care.

That is why I am asking you to support the introduction of a new legal provision, based on laws already in place in Canada, Australia, and the Isle of Man, to move these protesters away from the hospital entrance. Not to stop protest, but to tell them that harassing people trying to access healthcare is not acceptable.

This change in law is supported by the Royal College of Obstetricians and Gynaecologists, the Royal College of Midwives, the British Medical Association, the British Pregnancy Advisory Service, Scottish Humanists, and Scottish Women's Aid.

We would ask for your support and hope that we can work together to protect anyone seeking vital medical services from harassment and allow patients the anonymity and privacy they deserve.

If you support this campaign, please let me know or contact Back Off Scotland directly on backoffscotland@gmail.com.

You can find their website at:

www.backoffscotland.co.uk
<https://eur03.safelinks.protection.outlook.com/?url=https%3A%2F%2Fprotect-eu.mimecast.com%2Fs%2FYsBACNkgEhYIZVTmHfsH%3Fdomain%3Dbackoffchal>

mersweb.wixsite.com&data=04%7C01%7Cdaniel.johnson.msp%40parliament.scot%7Cf5053098a56245969a4a08d8e312a5aa%7Cd603c99ccfdd4292926800db0d0cf081%7C1%7C1%7C637509016518313372%7CUnknown%7CTWFpbGZsb3d8eyJWljoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Iik1haWwiLCJXVCi6Mn0%3D%7C3000&sdata=aor99gBC7dygxIV2Q3Kwae69dT8bqNMbLkzJLZv8B7U%3D&reserved=0
for further information.

Yours sincerely,

[Redacted]

From: [Redacted]

Sent: 25 February 2021 17:08

To: Christina.McKelvie.msp@parliament.scot; Aileen.Campbell.msp@parliament.scot; Scottish Ministers <Scottish_Ministers@gov.scot>; Minister for Older People and Equalities <MinisterOPE@gov.scot>; Cabinet Secretary for Communities and Local Government <CabSecCLG@gov.scot>

Subject: Urgent action required - Back Off Scotland campaign

Good afternoon,

I hope that this email finds you safe and well. My name is [Redacted] and I am cofounder of a campaign called Back Off Scotland which looks to introduce legislation that will enact 150metre buffer zones around clinics that provide abortion services in Scotland in an attempt to mitigate pro-life clinic protests.

This week, Edinburgh city council ruled in favour of our petition and will now engage with COSLA and the Scottish Government to support our aim of introducing buffer zones nationally. You can read more about our campaign's petition success here: <https://www.edinburghnews.scotsman.com/health/edinburgh-councillors-back-call-for-buffer-zones-to-protect-women-from-abortion-clinic-protesters-3144442> and here: <https://www.bbc.co.uk/news/uk-scotland-edinburgh-east-fife-56184287>.

This is timely as the group who are responsible for the majority of the protests, 40 Days for Life, began their 40 days of protesting on February 17 and this will last every day until March 28. Clinic protests are a nationwide problem and are creating legitimate barriers to women accessing vital reproductive and sexual healthcare. I would welcome an urgent meeting with you both to explore the ways that the Scottish Government may be able to support people seeking abortion services during the 40 day period and beyond.

I look forward to hearing from you in due course.

Best wishes,

[Redacted]

Co-Founder of Back Off Scotland

From: [Redacted]

Sent: Friday, October 23, 2020 7:56:23 PM

To: Sturgeon N (Nicola), MSP <Nicola.Sturgeon.msp@parliament.scot>

Subject: buffer zones around sex clinics

dear nicola sturgeon

I am emailing you to bring your attention to the issue of pro-life/anti-choice protesters that spend their days standing outside sexual health clinics harassing potentially vulnerable woman/people with female reproductive systems that are choosing to have an abortion. the organisation 40daysforlife encourages members to go up to woman and force their religious views that abortion is a sin. i have emailed ruth davidson about this as she is the msp that represents edinburgh central but i have had no response and i believe that this matter needs to be brought to the first ministers attention. i am a [Redacted], which means i have to walk past the protesters everyday, as a young woman this is incredibly patronising and scary that people are trying to take away our rights to abort a fetus, i have challenged the protesters on countless occasions and each time i've felt as though they were not at the clinic for the "preservation of life" but for the sole purpose of controlling woman/people with female reproductive systems, on one occasion a man started to compare abortion to the holocaust. that's just disgusting that's he is inherently comparing people that choose to have an abortion to hitler. absolutely disgusting. so i am asking you to consider a buffer zone around sexual health clinics which stops people from protesting against abortion within a certain proximity from the clinic, this way people that need to use the services that the clinic offer will not feel belittled by protesters.

from [Redacted]

From: [Redacted] On Behalf Of Swinney J (John), MSP

Sent: 22 February 2021 12:34

To: Cabinet Secretary for Justice <CabSecJustice@gov.scot>

Subject: RE: [Redacted] [Our Ref: JS6299RA]

Dear Humza,

RE: [Redacted]

I have been contacted by one of my constituents, [Redacted], of the above address, regarding anti-abortion protests outside NHS hospitals and clinics.

In her below correspondence, [Redacted] raises her concerns with the conduct of anti-abortion protestors and the locality of protests being allowed to congregate outside NHS Scotland hospitals.

I note [Redacted] mentions legislation passed in other countries to ban anti-abortion protests at medical facilities such as Canada's Safe Access to Abortion Services Act.

I would be grateful if you could look over her concerns and set out for me what current legislation can be considered to ensure protestors do not intimidate those members of the public who are accessing NHS services.

I would be further grateful if you could advise if the Scottish Parliament has legislative powers to enforce no-protest zones at facilities providing abortion services.

I look forward to your earliest reply.

Yours aye,
John

John Swinney
MSP for Perthshire North

The Scottish Parliament: Making a positive difference to the lives of the people of Scotland

Pàrlamaid na h-Alba: A' toirt deagh bhuaidh air beatha sluagh na h-Alba

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The information in this email may be confidential. If you think you have received this email in error please delete it and do not share its contents.

Dear John Swinney,

I'm emailing as a constituent who believes in a woman's right to choose.

Today, and every day until 1st November, clinics and hospitals in Scotland are being targeted by anti-abortion protesters, as part of a Texas-founded campaign called 40 Days For Life. Anti-abortion protesters are assembling outside hospital entrances on a daily basis, intimidating women as they attempt to access healthcare services.

Across the UK, including Scotland, 70% of the population believe in a woman's right to end her pregnancy if she does not want a child – so you would hope that this type of activity is unusual. But unfortunately, across the UK, 49 hospitals, GP surgeries, and clinics have had protests outside their gates. 7 of the NHS premises targeted are in Scotland.

The type of activity differs across the country, and they're organised by many different groups. There are people with microphones who call women murderers, people who use their phones to film women, people who follow women and push leaflets into their hands with entirely falsely medical information that abortion causes breast cancer and increases the risk of suicide, a man who used false pretences to get into a clinic waiting room so that he could spread these lies.

The experience of women is deeply negative, for obvious reasons:

- A woman passing by the Chalmers Centre in Edinburgh, February 2020 “[protester leans into her baby’s pram] There’s a reason you didn’t want to murder your own baby... You are a hypocrite. You knew she was a baby and you knew she was in your womb. Would you kill her too?”

- Hospital patient, Queen Elizabeth University Hospital Glasgow, October 2019 “They were standing opposite the entrance to the maternity wing with banners and placards, singing hymns, swaying. Every time I’ve attended this hospital in 2019 they have been there.”

- Healthcare worker, Chalmers Centre in Edinburgh, March 2019 “They were chanting, praying loudly, showing photos of fetuses, giving out leaflets, approaching women and couples entering the clinic, telling people that dead embryos go into vaccines.”

- Passer-by, Royal Infirmary of Edinburgh, 2017 “At the time I was 7 months pregnant with my second child... I disclosed that I had an abortion between pregnancies and he told me I was going to get cancer”

Across Scotland (and the UK), this type of activity continues unchecked. Existing laws are not enough to put a stop to this activity and the police do not have the powers they need to take action. Protesters take advantage of the insufficiency and incompleteness of the existing law to impinge on women's access to care.

That is why I am asking you to support the introduction of a new legal provision, based on laws already in place in Canada, Australia, and the Isle of Man, to move these protesters away from the hospital entrance. Not to stop them from protesting, but to tell them that accosting women trying to access care is not acceptable.

This change in law is supported by the Royal College of Obstetricians and Gynaecologists, the Royal College of Midwives, the British Medical Association, the British Pregnancy Advisory Service, Scottish Humanists, and Scottish Women’s Aid.

I hope you can let me know where you would stand if new legislation was brought forward in the Scottish Parliament.

Yours sincerely,
[Redacted]

From: [Redacted]

Sent: 16 September 2021 12:09

To: Minister for Public Health, Women's Health & Sport

<MinisterPHWHS@gov.scot>

Cc: [Redacted]@gov.scot; Swanson J (Joanna) <Joanna.Swanson@gov.scot>;

[Redacted]@gov.scot; [Redacted]@gov.scot; Director of Population Health

<Directorofpopulationhealth@gov.scot>; [Redacted]@gov.scot;

[Redacted]@gov.scot; Hutchison D (David) (Special

Adviser)<David.Hutchison@gov.scot>

Subject: RE: Meeting with Back Off Scotland - Abortion buffer zones - Briefing

Hi [Redacted]

Please find attached a brief note of the meeting with Back Off Scotland on Tuesday, let me know if there are any comments etc.

[Redacted]

Many thanks

[Redacted]

Minister for Public Health, Women's Health and Sport meeting with Back Off Scotland – Tuesday 14 September 2021

Attendees:

Maree Todd MSP - Scottish Government

[Redacted] – Scottish Government

[Redacted] – Scottish Government

[Redacted] – Back Off Scotland

[Redacted] – Back Off Scotland

[Redacted] – Back Off Scotland

Location: online via Microsoft Teams

- Back Off Scotland (BOS) provided an outline of its campaign for national legislation to provide for 150m buffer zones around abortion treatment centres. Whilst BOS welcomes the Scottish Government Programme for Government commitment to support any local authority who wants to establish bye-laws to create protest-free buffer zones, it considers that it doesn't go far enough to tackle the issue.



- BOS's specific concerns regard having to work on a council by council basis which will be time and resource intensive and if bye-laws are introduced to provide for buffer zones it would be time-limited, could result in displacement activity, and result in disparity of experience across Scotland. BOS is also concerned that, based on indications it has had from the local authorities it has approached, bye-laws won't in practice be pursued. BOS stressed that it respects the right to protest but considers that in the specific context of accessing healthcare, protections should be put in place to prevent women feeling harassed

or being deterred from accessing services. BOS illustrated this point with personal accounts from attendees of experiencing anti-abortion protestors/vigil attendees when accessing abortion services.



- The Minister set out the Scottish Government's position that women should be able to access abortion services without feeling harassed or intimidated. The Minister explained the need for a proportionate approach which takes account of competing rights under ECHR and that a local approach using bye-laws would be more appropriate. The Minister reiterated the action in the Women's Health Plan to work with NHS Boards, Local Authorities and Justice agencies to find ways of preventing women feeling harassed when accessing abortion care and also to keep aware of incidences.



- The Minister acknowledged that early medical abortion at home (EMAH) during the pandemic has reduced the impact given many women are able to terminate their pregnancy at home. The Minister confirmed that the current arrangements will remain in place whilst the pandemic continues. The Minister recognised that the consultation on the future arrangements demonstrated that many would welcome the continuation of the current arrangements but also that safety concerns were raised in consultation responses. Minister indicated that an evaluation is being carried out to inform future arrangements and wouldn't be able to pre-empt the outcome of the evaluation. BOS acknowledged the benefits EMAH has brought in relation to limiting the impact of protests but noted that certain groups are not able to access EMAH e.g. homeless women.



- BOS wished to see a Scottish Government commitment to consult on this matter. The Minister indicated that given the issues already set out and the Scottish Government's position, a consultation would not bring a solution to this matter. The Minister indicated that she is keen to make progress and undertook to consider the matter further and to consider how the local approach is working in England.

From: [Redacted]
 Sent: 10 September 2021 11:30
 To: Minister for Public Health, Women's Health & Sport
 <MinisterPHWHS@gov.scot>
 Cc: [Redacted]@gov.scot>; [Redacted]@gov.scot>; Swanson J (Joanna)
 <Joanna.Swanson@gov.scot>; [Redacted]@gov.scot>; Director of Population Health
 <Directorofpopulationhealth@gov.scot>; [Redacted]@gov.scot>;
 [Redacted]@gov.scot>; [Redacted]@gov.scot>
 Subject: Meeting with Back Off Scotland - Abortion buffer zones - Briefing

Hi [Redacted]

Please find attached briefing for the Minister's meeting with Back Off Scotland regarding abortion buffer zones on Tuesday 14 September. [Redacted] and I will provide official support and a pre-meeting is arranged just ahead of the meeting.

Happy to provide anything further if required.

Kind regards
 [Redacted]

Minister for Public Health, Women's Health and Sport meeting with Back Off Scotland – Tuesday 14 September 2021

ENGAGEMENT TITLE: Meeting with Back Off Scotland

Date and Time of Engagement	Tuesday 14 September 11:30 – 12:15 Pre-meet: Tuesday 14 September 11:15
Where	MS Teams
Who	[Redacted] - Co-Founder/Director of Back Off Scotland [Redacted] - Campaign worker, President of Glasgow Students for Choice, confronted by protestors at Queen Elizabeth University Hospital in Glasgow [Redacted] - confronted by protestors at Chalmers clinic in Edinburgh
Key Purpose / Message	[Redacted], this is an opportunity to hear about Back Off Scotland's campaign for legislation to provide for 150 metre buffer zones around abortion services throughout Scotland, and to confirm that the Government's position is that women in Scotland should have access to abortion services without feeling harassed or intimidated when accessing these services.

Top Facts / Figures	The Programme for Government includes a commitment to support any local authority who wishes to use bye-laws to establish buffer zones around abortion services.
Sensitivities	<ul style="list-style-type: none"> • [Redacted] • [Redacted] and [Redacted] will speak about their experiences of facing protests/vigils when accessing abortions.
Media Handling	No media planned
Official Support	[Redacted] [Redacted]

Annex A	<i>Back Off Scotland background</i>
Annex B	<i>Lines to take and background</i>

Annex A

Back Off Scotland background

Back Off Scotland was formed by a group of university students in 2020 to campaign for the introduction of 150 metre buffer zones around clinics that provide abortion services throughout Scotland to ensure women accessing abortion could do so free from intimidation.

Back Off Scotland is running a petition for legislation (currently over 3,600 signatures) and has been gathering accounts of the experiences of women accessing services.

It is working closely with the British Pregnancy Advisory Service and Humanist Society Scotland on its campaign.

[Redacted]

Background

Protests/vigils are mainly focused on the Chalmers Sexual Health Clinic in Edinburgh and Queen Elizabeth University Hospital (QEUH) in Glasgow, but there are also sometimes vigils outside the Royal Infirmary of Edinburgh, the Sandyford clinic in Glasgow and occasionally other hospitals.

Legislation

Back off Scotland is seeking legislation to create 150 metre buffer zones around all abortion clinics/hospitals in Scotland to prevent pro-life vigils or anti-abortion protests from taking place within 150 metres of a clinic.

[Redacted]

Briefing note for the Minister – 5 July 2021

Buffer zones around abortion clinics/hospitals

Current position

The SNP Manifesto and draft Programme for Government includes an action to support any local authority who wishes to use bye-laws to establish buffer zones around abortion services.

[Redacted]

The former Minister for Public Health, Sport and Wellbeing has previously written to all local authority Chief Executives in May 2019 to make them aware of the potential option of using the power to make bye-laws. However, none have yet done so.

[Redacted]

From: [Redacted]@glasgow.gov.uk>

Sent: 18 May 2021 09:16

To: [Redacted]@gov.scot>; [Redacted]@cosla.gov.uk; [Redacted]@glasgow.gov.uk>; [Redacted]@gov.scot>

Cc: [Redacted]@cosla.gov.uk

Subject: RE: Next Meeting in June on BZ (OFFICIAL)

OFFICIAL

Hi [Redacted],

[Redacted] and [Redacted] are not available on Tuesday, 15 June, but can do Wednesday, 16 June at 2.00 pm.

Hope that suits.

Best regards,

[Redacted]

Secretary
Business Services – Directorate
Customer and Business Services
Glasgow City Council
City Chambers
Glasgow G2 1DU

Phone [Redacted]

Mobile: [Redacted]

Email [Redacted]@glasgow.gov.uk

www.glasgow.gov.uk

[Redacted]

From: [Redacted]@gov.scot

Sent: 18 May 2021 08:52

To: [Redacted]@cosla.gov.uk; [Redacted]@glasgow.gov.uk>; [Redacted]@gov.scot

Cc: [Redacted]@cosla.gov.uk

Subject: RE: Next Meeting in June on BZ

Hi [Redacted]

[Redacted] and I could do:

- Tuesday 15 June - 11:00-13:00, from 15:00
- Wednesday 16 June – All day

Hope something here suits.

Many thanks

[Redacted]

[Redacted] | Donation and Abortion Policy team | Health Protection Division | Scottish Government | Available via Teams or [Redacted]

From: [Redacted]@cosla.gov.uk>

Sent: 17 May 2021 18:14

To: [Redacted]@glasgow.gov.uk>; [Redacted]@gov.scot>; [Redacted]@gov.scot>

Cc: [Redacted]@cosla.gov.uk>

Subject: Next Meeting in June on BZ

Hi [Redacted],

Good to meet you again last week, along with [Redacted] and [Redacted].

Our next COSLA Community Wellbeing Board meeting is on 18 June. Therefore, we would like to diarise a meeting before this Board meeting so we can at least provide a verbal update to our elected members on BZ.

Please can you let us know your availability W/C 14th June so a meeting can be scheduled?

[Redacted] – helpful if you can confirm dates/times that work for yourself please too.

Regards

[Redacted]

COSLA

Our Business Address is : COSLA, Verity House, 19 Haymarket Yards, Edinburgh, EH12 5BH. t: [Redacted] w: <http://www.cosla.gov.uk>

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From: [Redacted]@gov.scot>
Sent: 14 May 2021 16:33
To: [Redacted]@glasgow.gov.uk>
Subject: FW: Evidence re impact of abortion vigils/protests

Hi [Redacted]

Good to meet earlier, I'm attaching the BPAS report as sent to [Redacted] and [Redacted] below.

Kind regards
[Redacted]

[Redacted] | Donation and Abortion Policy team | Health Protection Division | Scottish Government | Available via Teams or [Redacted]

From: [Redacted]@cosla.gov.uk>
Sent: 14 May 2021 15:58
To: [Redacted]@gov.scot>
Cc: [Redacted]@gov.scot>; [Redacted]@gov.scot>; [Redacted]@cosla.gov.uk>
Subject: RE: Evidence re impact of abortion vigils/protests

Hi [Redacted],

Good to meet you too

[Redacted] email address is as follows:- [Redacted]@glasgow.gov.uk

Please share your email and the attachment with her. I don't have [Redacted] email address.

Thanks

[Redacted]

From: [Redacted]@gov.scot

Sent: 14 May 2021 15:32

To: [Redacted]@cosla.gov.uk>; [Redacted]@cosla.gov.uk>

Cc: [Redacted]@gov.scot; [Redacted]@gov.scot

Subject: Evidence re impact of abortion vigils/protests

Hi [Redacted], [Redacted]

Good to meet you both earlier.

We mentioned the work BPAS is doing to gather evidence and I'm attaching a briefing note from them which includes some of the feedback they are receiving. We have asked them and Back Off Scotland to keep in touch with us on this and to send on any further feedback they receive from patients/locals etc.

I'm sorry I don't have email addresses for [Redacted] and [Redacted], grateful if you could send this on.

Kind regards

[Redacted]

[Redacted] | Donation and Abortion Policy team | Health Protection Division | Scottish Government | Available via Teams or [Redacted]

Protecting access to essential healthcare: Why we need buffer zones

Back Off is a campaign co-ordinated by the British Pregnancy Advisory Service (BPAS) and supported by a coalition of organisations including the British Medical Association, the Humanist Society Scotland, Scottish Women's Aid, and grassroots campaigns in Scotland like Back Off Chalmers.

BPAS is a reproductive healthcare charity that offers abortion care, contraception, STI testing, miscarriage management, and pregnancy counselling to 100,000 clients each year, primarily on behalf of the NHS via our clinics in England, Scotland, and Wales.

The problem

Clinic Protests

Clinic protests are a form of activity used by anti-choice protesters to deter or prevent patients accessing abortion care. They take many forms, including the display of graphic images of dismembered fetuses, marches that end outside the clinic, filming clients and staff members, following clients down the street and thrusting anti-abortion literature into their hands, sprinkling sites with holy water, and 'vigils' - large gatherings of people who sing hymns and recite dedicated anti-abortion prayers loudly enough to be heard inside clinics or hospitals. These protests usually last several hours a day over a number of weeks or months. In several cases around the country, protests have continued for many years.

In Scotland Clinic protests in Scotland date back to 1999 when the group Precious Life Scotland began protesting outside Brook Advisory clinics with large, explicit images. The Health Minister said at the time *"I give these groups notice today - back off. Do not promote your view in proximity to these facilities. I want you to withdraw voluntarily and I want you to do so immediately."*

Since the beginning of 2017 we are aware of 7 hospitals and clinics in Scotland that have been targeted – Aberdeen Maternity Hospital, Edinburgh's Chalmers Centre, Dundee's Ninewells Hospital, Glasgow Royal Infirmary, Larbert's Forth Valley Royal Hospital, Queen Elizabeth University Hospital Glasgow, and the Royal Infirmary of Edinburgh.

Most of these are organised by the Texas-founded group 40 Days for Life, which holds two sets of 40-day protests a year – one during Lent, and one in the autumn, in which they stand with placards and leaflets, and pray outside hospitals every day usually from 7am to 7pm. These have been going on in Scotland for around six years. The other protests tend to be organised by local anti-choice groups and by the international group Helpers of God's Precious Infants.

Impact

Across the UK, 49 hospitals and clinics have had anti-abortion protests outside in the last two years. BPAS routinely collects client comment forms from people who attend our clinics, as well as from abortion clients who attend hospitals and clinics not run by BPAS, local residents, and passers-by who either observe or experience the protests. Some of the responses we have received from Scotland include:

*“While walking with my baby in the pram, I passed one protester standing on the pavement outside centre. She tried to hand me a leaflet which clearly had anti-abortion messaging... I spoke to her about what she was doing... She looked into my baby’s pram and said ‘**but there’s a reason you didn’t want to murder your own baby**’. I walked away and she shouted after me ‘You are a hypocrite. **You knew she was a baby** and you knew she was in your womb. **Would you kill her too?**’ Chalmers Centre, Edinburgh, February 2020*

*“They were standing opposite the entrance to the maternity wing of the hospital with banners and placards, singing hymns and swaying. **Every time I’ve attended this hospital in 2019 they have been there.**” Queen Elizabeth University Hospital, Glasgow, October 2019*

*“They were chanting, praying loudly, showing photos of fetuses, giving out leaflets, and approaching women and couples entering the clinic. **They were telling people that dead embryos go into vaccines.**” Chalmers Centre, Edinburgh, March 2019*

*“[They were] getting in a poor woman’s face and **screaming at her that she was a murderer and that God was sending her to hell.** [It made me feel] furious. I’m a Christian; that is not my God... I will often call out that kind of behaviour, but **they scared me too.**” Queen Elizabeth University Hospital, Glasgow, 2017*

*“I felt incredibly angry... **at the time I was pregnant with my second child.** On attempting to engage with them, one of the group marched over to me and was extremely aggressive... he screamed in my face several times... **he told me that I was going to get cancer** (I had disclosed that I had an abortion between pregnancies)” Royal Infirmary of Edinburgh, 2017*

Concerns

Content – The form the protests take are often distressing. Some groups carry large placards with graphic pictures of fetuses; many distribute leaflets with provably false medical claims such as ‘abortion causes breast cancer’; and some protests are large and intimidating – with people who gather behind large symbols and carry signs decrying a woman’s right to choose.

Context – These gatherings occur outside clinics and hospitals which are seeing people who have made a difficult, personal decision and who are trying to preserve their medical confidentiality. People accessing abortion services report that it is not just the content of the protest that upsets them – but the fact that protesters believe they have a right to influence their decisions about their medical care, and try to pressure them into making a different choice, while compromising their right to privacy.

Aims of the protest – This is not a protest in the usual sense. Clinic protesters are not seeking to change the law or influence the opinions of decision-makers – they are present to pressure individual abortion clients into making different decisions about their healthcare. They rely on being able to access individual service users in a vulnerable position. 40 Days for Life – which runs multiple protests in Scotland – keeps a running tally on their homepage of the number of abortion clients they believe they have convinced to change their mind, the number of medical workers they have forced to quit their jobs, and the number of clinics they have forced to close.

Example – Queen Elizabeth University Hospital, Glasgow

40 Days for Life started protesting outside QEUH in Glasgow less than a year after it opened. 2020 is the fifth year that protests have been held. This hospital has had the largest anti-abortion clinic protest out of any site in the UK – with around 200 people holding a candlelight vigil in the autumn of 2018.

On a regular basis, up to 12 protesters gather with placards and leaflets for up to 12 hours every day. They position themselves on the road immediately outside the entrance to the maternity unit, which is also where abortions take place. This originally took place for 40 days during spring and 40 days in the autumn, but these periods have been extended and they are now present most of the year. Organisers describe their activities as a 'vigil' – meaning that they pray in the same spot for long periods, watching patients enter and leave the hospital. Healthcare workers and passers-by report protesters stopping them and speaking to them, 'accosting them', and distributing leaflets.

We have received accounts from patients accessing services, healthcare workers, and passers-by about the protests at QUEH, including:

- Passer-by, 2019 *“They were standing opposite the entrance to the maternity wing of the hospital with banners and placards, singing hymns and swaying. **Every time I've attended this hospital in 2019 they have been there.**”*
- Abortion client, 2018 *“It **made me feel very vulnerable as a young girl.** It made me question my decisions purely based on the fact I was being judged for my decisions. Despite knowing what was best for me they made me feel as if I was doing something wrong.”*
- Healthcare worker, 2018 *“**It is unacceptable that any woman should be faced with this,** but for women attending a hospital for TOP for fetal anomaly, or returning to work having had such a procedure it really is disappointing to say the least...As I say, totally unacceptable and the more that can be done to address this, the better.”*
- Maternity patient, 2017 *“I was on my way to the hospital for my 20-week scan, **this should have been a happy moment for myself and my partner, however their presence outside really upset me.** Someone close to me had to be induced after her 20 week scan as the baby had Edwards Syndrome, all I could think of is how women going through something like that, or other any other situation, must feel having to pass them given how angry and upset I was seeing them with my healthy pregnancy. **By the time I was in the waiting area for my scan I was shaking...**”*

Existing position

Scottish Government

The Scottish Government has previously said that it believes the police already have powers to address the issues of disorder that are potentially raised clinic protests. But the concerns highlighted in the accounts gathered by BPAS show that public disorder is not the only negative effect of clinic protests.

In response to a parliamentary question, Aileen Campbell MSP said on 14th March 2018: *“The Scottish Government believes all women should have access to abortion services as part of routine care, and available free from stigma and harassment.*

“Whilst the right to public assembly is an important right, such rights must be balanced with the rights of communities affected by any protests to go about their business as undisturbed as possible and without fear for their safety. Any gatherings of this nature must be conducted outside hospital grounds in order to allow the hospital to function, and patients to attend, without disruption.

“Police Scotland has powers available to them to deal with any disorder and to ensure that public safety is maintained. The Scottish Government fully supports Police Scotland to take appropriate and proportionate action where necessary to protect public safety.”

Scottish law

There are pieces of law that relate loosely to the issues raised by clinic protests, none of which we believe fully cover the extent and impact of activity outside clinics and hospitals, and none of which have yet been used to address the activity in question.

- **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. *However, these apply only to individual clinics and hospitals, create a postcode lottery of protection for abortion clients, place the onus on local authorities to take action and pay to defend their actions in court, have to be approved by ministers, and have to be renewed every ten years. Similar measures are possible in England but of the 42 clinics affected, only three clinics have a local order in place.*
- **Antisocial behaviour etc. (Scotland) Act 2004** allows police to issue a dispersal order which can order a group of two or more people to disperse. They can be issued where the public has been alarmed or distressed and where behaviour has become significant, persistent, and serious. *They require other approaches to have been tried and failed, and only last for three months at which point the same test would need to be met again.* The Act also provides for antisocial behaviour orders to be issued, but *these are applied to specific, named individuals and not to groups or gatherings and we know from other areas that anti-abortion activists travel between protests, often over long distance.*
- **Public Order Act 1986** can impose conditions on public assemblies to prevent disorder or to stop groups of preventing someone doing something they have a legal right to do. *This provision has been used before for this purpose in by the Metropolitan Police in London, but was retracted and the police force claimed it had been issued in error - so its practicability is questionable.*
- **The common law offence of Breach of the Peace** provides for individuals to be arrested if they engage in ‘conduct severe enough to cause alarm to ordinary people and threaten serious disturbance to the community’. *This definition presents an issue in the case of clinic protests as much action is unlikely to ‘threaten serious disturbance to the community’ as their activity is targeted at individual women accessing services.*

Enforcement

Across Scotland and the UK, there has been a lack of action to address clinic protests and the negative impact they have on abortion clients accessing services, local residents, and passers-by. This is particularly an issue in Scotland as the majority of protests are outside hospitals and therefore vulnerable people (including women and pregnant people attending maternity units for miscarriages) are forced to pass these protests.

We believe that existing law in Scotland does not adequately cover clinic protests, or the negative impact that they have on abortion clients.

New legislation is needed to protect those seeking to access legal, confidential healthcare services and protect abortion clients’ Article 8 right to a privacy.

National solution

This is a public order issue grounded in gendered street harassment. These protests are a way of telling women and pregnant people that the decision they make about their bodies and own futures are unacceptable, and that they deserve to have attention drawn to them in the most public, misogynistic, unsolicited way possible.

There are many opportunities and locations for individuals who wish to share their opinions on abortion to do that, but the place outside a hospital or clinic should not be one of them. People accessing abortion services are not seeking debate – they are trying to make their own personal decision about their own pregnancy.

What are buffer zones?

In a number of places around the world – including British Columbia and Ontario in Canada, and Victoria in Australia, 'buffer zones' are used to deter and prevent harassment and intimidation outside clinics.

Buffer zones are an area around clinics, hospitals with abortion services, and pregnancy advisory bureaux where certain activities cannot take place – including filming of clients accessing services, harassment and intimidation, stopping clients in an attempt to change their mind about accessing services, and gathering for the purpose of protest about reproductive choice.

They would stop activity taking place directly outside clinics and hospitals, but not have any impact on protests anywhere else. It would apply equally to pro- and anti-choice protests, ensuring that abortion clients are not pressured as they access healthcare.

We believe that new legislation is needed across the UK to address these protests, and are happy to support efforts, and work with elected officials, in any devolved administration to put a stop to this distressing activity. A bill along these lines passed its First Reading in Westminster in June 2020 by 212 votes to 45.

Support for buffer zones

There are a large number of supporters of the campaign to introduce buffer zones, including:

- British Medical Association
- Royal College of Obstetricians and Gynaecologists
- Royal College of Midwives
- Humanist Society Scotland
- Back Off Chalmers
- Scottish Women's Aid
- End Violence Against Women Coalition

You can find the full list of supporters here.

The Back Off campaign

The campaign to introduce buffer zones at a national level is called Back Off and is run by the British Pregnancy Advisory Service. BPAS are more than happy to answer any questions on the national campaign or any protests your constituents may encounter.

Contact

[Redacted] Head of Public Affairs and Policy | British Pregnancy Advisory Service

[Redacted] | **[Redacted]**@bpas.org

Extract from briefing for Ministers on the Women's Health Plan – 31 August 2021

Buffer Zones

- All women in Scotland should have access to abortion services as part of routine care, and available free from stigma.
- We will support any local authority who wants to establish bye-laws to create protest-free buffer zones outside clinics that provide abortion services.
- The Scottish Government is continuing to discuss this issue and the potential for the use of bye-laws with CoSLA.

Extract from briefing for Ministers on the Women's Health Plan debate – 15 June 2021

Buffer zones

Issue:

- The Scottish Government position (SNP manifesto commitment) is to support local authorities to use bye-laws to address protests/vigils around abortion clinics / hospitals. Campaign group 'Back off' Scotland is seeking legislation to deal with this issue on a national basis. [redacted]

SG Action:

- The Scottish Government is discussing this with CoSLA and will also continue to engage with abortion service providers to seek to support Councils to take action where appropriate.
- Councils may be able to use bye-law powers to restrict protests where this is appropriate, depending on the particular circumstances in each case.

[redacted]