

Information Requested

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: 01224 624719

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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.”

Humza Yousaf
Cabinet Secretary for Health and Social Care
Scottish Government
The Scottish Parliament
Edinburgh
EH99 1SP

10/09/2021

Harassment of Women Accessing Abortions Outside Hospitals in Glasgow

Dear Humza,

I am writing today in light of recent protests outside of abortion clinics in Glasgow, where women attending to have an abortion are being targeted and subjected to harassment.

As I am sure you will agree, abortions are a vital and necessary form of healthcare. It is not only a fundamental human right to be able to access an abortion but, in many cases, abortions are also lifesaving.

I am sure you will also agree that harassment of any form is unacceptable. However, it is particularly awful at what is often a distressing time for the person attending the clinic. In a country where we claim to respect, protect, and promote human rights, we must ensure that no one is harassed on the basis of the choices they make about their body.

I encourage you to act urgently to ensure women across Scotland can get the care they need safely and without this needless distress.

One way in which you can do this is by implementing 150-meter buffer zones around clinics that provide abortion services in Scotland. Can you please advise if and when you will do this, and if not, why not?

Women must have access to all healthcare, free from harassment and intimidation. The right to free, legal, and safe abortions must be protected by the Scottish Government and I ask you to act urgently to ensure this.

I welcome your response on this matter.

Pam Duncan-Glancy MSP
Member of the Scottish Parliament for Glasgow Region (Scottish Labour Party)
Shadow Cabinet Secretary for Social Justice and Social Security

From: daniel.johnson.msp@parliament.scot <daniel.johnson.msp@parliament.scot>
Sent: 02 November 2021 14:11
To: Minister for Public Health, Women's Health & Sport <MinisterPHWHS@gov.scot>
Subject: FW: Buffer zone around Chalmers Clinic and Violence against women (Case Ref: DJ13120)

Dear Minister

One of my constituents has contacted me in relation to the potential introduction of buffer zones around abortion and sexual health clinics in Scotland.

I would be very grateful if you could respond to the issues raised and provide me with any other relevant information regarding this case.

Many thanks in advance for your help in this matter.

Kind Regards,
Daniel

Daniel Johnson MSP
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Constituency Office
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Daniel would like to keep you up to date with his activities in Parliament and in the constituency. You can sign up to receive regular updates and his eNewsletter [here](#).

Your data privacy will be taken seriously. Read Daniel's privacy notice [here](#).

From: [text redacted – personal data]
Sent: 28 October 2021 17:32
To: Johnson D (Daniel), MSP <Daniel.Johnson.msp@parliament.scot>
Subject: Buffer zone around Chalmers Clinic and Violence against women

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.

Dear Mr Johnson,

I hope you are well. Your colleague kindly returned my phone call today about the above issue. He asked me to put my concerns in an email so that you can raise them in parliament on my behalf.

The phone call was prompted by my reading of a newspaper article in the Edinburgh Evening News about an incident outside the Chalmers Sexual Health Clinic on Lauriston Place last week, in which a pro-life protestor attacked a counter-protestor by driving into her in her car.
<https://www.edinburghnews.scotsman.com/news/people/womans-shock-at-brazen-assault-after-pro-lifer-hits-campaigner-with-car-outside-citys-chalmers-clinic-3428565>[https://eur03.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.edinburghnews.scotsman.com%2Fnews%2Fpeople%2Fwomans-shock-at-brazen-assault-after-pro-lifer-hits-campaigner-with-car-outside-citys-chalmers-clinic-3428565&data=04%7C01%7Cdaniel.johnson.msp%40parliament.scot%7C2790e46a2741413b0b6508d99a30741c%7Cd603c99ccffd4292926800db0d0cf081%7C1%7C1%7C637710355159314022%7CUnknown%7CTWFpbGZsb3d8eyJWlQjMC4wLjAwdDAiLCJQIjoiV2luMzIiLCJBTiI6IklhaWwiLCJXVCI6Mn0%3D%7C3000&sdata=jGwoM6KxG89bTakjl7mOTshJD1HKCJRapjVcHyUy068%3D&reserved=0\)](https://eur03.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.edinburghnews.scotsman.com%2Fnews%2Fpeople%2Fwomans-shock-at-brazen-assault-after-pro-lifer-hits-campaigner-with-car-outside-citys-chalmers-clinic-3428565&data=04%7C01%7Cdaniel.johnson.msp%40parliament.scot%7C2790e46a2741413b0b6508d99a30741c%7Cd603c99ccffd4292926800db0d0cf081%7C1%7C1%7C637710355159314022%7CUnknown%7CTWFpbGZsb3d8eyJWlQjMC4wLjAwdDAiLCJQIjoiV2luMzIiLCJBTiI6IklhaWwiLCJXVCI6Mn0%3D%7C3000&sdata=jGwoM6KxG89bTakjl7mOTshJD1HKCJRapjVcHyUy068%3D&reserved=0)

The presence of protestors at Chalmers is unacceptable and is intimidating for women who are accessing healthcare services, whether that be abortion or any other sexual health issue. I attended myself for a [text redacted – personal data] and felt unsettled and upset by their presence.

The fact is that abortion is healthcare. I have undertaken quite a lot of research into this as I have had to [text redacted – personal data]. There is no law that can prevent abortion as those in need will always attempt it anyway. There is only legal and illegal abortion. These protestors are presumably therefore advocating illegal abortion - hugely more likely to result in the death of the woman.

This incident at Chalmers and the protests there are part of the pattern of violence against women.

I would like to request that you ask the Scottish Government what measures they are planning to take and on what timescale to introduce buffer zones around sexual health centres in Scotland. It is not fair and not appropriate to allow intimidation to occur at a place of healthcare. I know that Monica Lennon recently raised the question to Nicola Sturgeon, who seemed receptive, but did not offer any concrete promises of action. Please push her to commit to implementing a law on this asap.

[text redacted – out of scope]

Society needs to change, so that violence is regarded as unacceptable and not glorified and seen as manly. This is a huge culture change but it is the only solution. Unfortunately I don't know what to ask you to do about this in Parliament specifically, but the two questions above would be a good start.

Thank you very much for representing my views.

Best wishes,

[text redacted – personal data]

ABORTION – PROTECTED SPACES AROUND HEALTHCARE SERVICES

MINISTERIAL- LED WORKING GROUP

9 December 2021

13:45 – 14:45

AGENDA

- 1. Welcome and Introductions**
- 2. Overview of the reasons for establishing the group**
- 3. Draft Remit – discussion on the group’s aims, membership and proposed remit**
- 4. Agreement on next steps/priority areas of work to progress**
- 5. Timing of next meeting and any other business**

ABORTION – PROTECTED SPACES AROUND HEALTHCARE SERVICES

MINISTERIAL-LED WORKING GROUP PROPOSALS

DRAFT REMIT

Objective

This group's aims will be to work to ensure that human rights are being respected and allowing those accessing abortion services (or where relevant other healthcare facilities), those seeking to protest, and members of the local community, to be balanced against each other. Specifically the group will aim to address concerns about patients, staff and members of the public, particularly local communities, feeling harassed, distressed or intimidated by abortion vigils/protests and any counter protests taking place outside clinics or hospitals, while ensuring that those seeking to express their views are able to do so.

It is intended that this will be a short-life group, which will bring together key public sector stakeholders to evaluate the issues, including safety and human rights matters, arising from the vigils/protests which take place outside health facilities delivering abortion services. In doing this the group should consider both actions that can be delivered in the short-term to address the issues identified, and longer-term actions that will ensure that the appropriate balance of human rights is achieved. This can include, but is not limited to, localised measures, dialogue and legislative options to protect public safety while respecting civil liberties.

Membership

We propose that the group should initially involve the following:

Minister for Public Health, Women's Health and Sport – Chair

Minister for Social Security and Local Government

CoSLA – Anil Gupta, Chief Officer, Communities

City of Edinburgh Council – Rachael Craik and Jon Ferrer

Glasgow City Council – to be confirmed

SOLAR (Society of Local Authority Lawyers and Administrators) – Elaine Galletly, Director of Legal and Administration, Glasgow City Council, Kevin McKee, Head of Legal Services, City of Edinburgh Council

Police Scotland – PI Norman Towler - Local Policing Co-ordination, Policy and Support, PI Neil Burns – Protest & Demonstration Coordination Unit (plus potentially Blair MacDonald – Legal Services)

NHS Greater Glasgow and Clyde – Dr Audrey Brown, abortion lead

NHS Lothian – Professor Sharon Cameron, abortion lead

The group may wish to discuss at its first meeting if others, such as human rights experts, academics or mediators should also be involved. There may also be a case for involving wider groups of stakeholders, but that may be better done through a separate forum.

Remit

The work of the group is expected to broadly fall into the following categories:

Evidence gathering:

- Clarifying the nature, extent and impact of the issues caused by vigils/protests at healthcare facilities. This should include what we currently know and identifying whether there are gaps in the evidence base and therefore where further evidence gathering is needed.
- Based on the above, identifying objective methods for gathering the additional information that is required. This could include increased monitoring of activity by members or asking an independent and impartial academic body to carry out a study to help define the number and size of protests and collect views from patients, staff, residents and those attending the vigils/protests on their impact.
- Encouraging more joint working between public sector bodies may help ensure increased monitoring and reporting of any incidents and ensure that a more robust evidence base is being gathered.

Identify current powers available:

- Undertaking an audit of all of the powers which apply to vigils, protests and public order that could be applied in appropriate circumstances in relation to these events.
- Seeking to identify and agree any gaps within these legislative powers that should be addressed.

Short-term actions:

- Consider the options for engaging in dialogue between protestors, campaigners and service providers to better understand the issues and how a balance of human rights can be achieved.
- Consideration could include involving an independent third party mediation organisation to encourage dialogue and compromise between the groups involved.

Longer-term actions:

- Based on the evidence gathered through the above activities, identify the key broad principles that may form the basis for any legislative additions or changes that would have a positive impact on addressing the issues identified. The group may also wish to discuss how they might engage with Ms Mackay on her member's bill proposals.

3. Draft Remit – discussion on the group’s aims, membership and proposed remit

Ms Todd asked for views on the draft remit for the group and suggestions for areas to the group should make progress on. Group members were generally supportive of the proposed short and longer-term actions set out in the draft remit paper which had been circulated.

It was noted that there was dispute between the groups on both sides around the scale of the problem and some of the incidents which had been reported. It would therefore be helpful to gather more information on the locations, size and timings of protests/vigils, potentially with help from NHS Boards. It was agreed that it would be useful to commission independent research to look at protests/vigils to gather more robust and objective evidence on the impact of the protests/vigils on patients and others.

It was agreed that work was also needed to seek to agree what statutory powers were available to restrict gatherings and any reasons why the powers have not been used for this type of protest/vigil. This would help the group to identify any gaps in current legislation.

On short-term actions, there was discussion about whether mediation or dialogue between the parties would be effective and what outcomes could be achieved from this. It was noted that initial discussions with mediators suggested that traditional mediation may not work well, but that some initial discussions with individual parties (such as vigil organisers, pro-choice campaigners and NHS staff) may help indicate if all the parties would be willing to engage in dialogue with other parties and consider some compromises. While there could be benefits in having independent mediators, it was noted that there had previously been a Police liaison officer who regularly spoke to those gathered opposite the Chalmers clinic and this helped with some issues. Therefore this option could also potentially be explored further.

4. Agreement on next steps/priority areas of work to progress

The group agreed that legislation would take a long time to take forward so some of the other areas discussed could be taken forward more quickly and could help the group consider what legislative changes might be appropriate. The group noted Gillian MacKay MSP’s intention to bring forward a members bill and would consider in future how best to contribute to the development of the bill.

The group agreed that it was important to consider what actions are causing harassment in what areas and to take a proportionate response, balancing the ECHR rights of all those involved. There was consensus that it was important to encourage patients and others affected to report any incidents (probably either to the Police or the NHS Board, but Councils may also have a role) to ensure that public bodies have a good picture of any concerns; there would be further discussion on how best to do this.

The following action points were agreed and would be progressed in time for discussion at the next meeting:

- The Scottish Government would develop a draft specification for the proposed research on impacts of the protests/vigils;
- The Scottish Government would prepare a draft paper on current statutory powers and gaps and seek input from group members;
- Finally, it was agreed that there should be a more fleshed out proposal for encouraging dialogue between the parties.

The group would also consider further other people who could join the group or give advice. It was suggested that a Justice Minister should also be involved in the group in future.

5. Timing of next meeting and any other business

Ms Todd suggested that meetings should be planned for every two to three months, with the next meeting likely to be in early February [post-meeting note – this has now been scheduled for 9 February 2022].

There was no other business.