

Child Rights and Wellbeing Impact Assessment (CRWIA) for Abortion Services (Safe Access Zones) (Scotland) Bill

October 2023

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for Abortion Services (Safe Access Zones) (Scotland) Bill

Disclaimer

This **draft** document is an **initial assessment** of the impact of the Abortion Services (Safe Access Zones) (Scotland) Bill and has been prepared by the Scottish Government on behalf of Gillian Mackay MSP. The Scottish Government will continue to review and update this document where required during the parliamentary process. Any future iterations will reflect an increased understanding of these impacts as the amount of data and research available continues to grow.

This impact assessment should be read in conjunction with the Equality Impact Assessment and the Fairer Scotland Duty Assessment.

CRWIA Stage 1 – Screening

1. Brief Summary

Name the relevant proposal, and describe its overall aims.

Abortion Services (Safe Access Zones) (Scotland) Bill

As set out in greater detail in the Policy Memorandum that accompanies the Bill, the aims of the Bill are to:

- protect access to abortion services across Scotland;
- ensure that people can access abortion services without fear of, and free from, intimidation, harassment or public judgement;
- ensure that at the point of access users are protected from attempts to influence or persuade them in relation to their decision to access services;
- take a preventative approach so all abortion services are covered, including those that have not experienced protests;
- ensure that providers or facilitators of the service are protected from attempts to influence their decision to provide or facilitate abortion related services at their place of work or where those services are delivered;
- prevent providers or facilitators from being reluctant to provide or facilitate services for fear of such protests occurring.

This Bill is aligned with the Healthier, Wealthier and Fairer Strategic Objectives, and contributes to the following National Outcomes:

- We respect, protect and fulfil human rights and live free from discrimination;
- We live in communities that are inclusive, empowered, resilient and safe; and
- We are healthy and active

2. Which aspects of the relevant proposal currently affects or will affect children and young people up to the age of 18?

The Articles of the UNCRC and the child wellbeing indicators under the Children and Young People (Scotland) Act 2014 apply to all children and young people up to the age of 18, including non-citizen and undocumented children and young people.

The Bill is intended to protect service users and providers from anti-abortion activity which takes place outside of premises providing abortion services, regardless of their age. In terms of protecting those seeking access to abortion services, the Bill will impact directly those of child bearing age who may become pregnant and require access to such services. The Bill does not provide separate provision for persons of a certain age; it provides protection regardless of age to those seeking to access,

provide or facilitate abortion services. The Bill contains no provisions that will have a differential impact on children or young people over the rest of the general population.

In the spirit of UNCRC the policy applies to every child without discrimination. It also supports articles 3 (best interests of the child), 4 (implementation of the Convention), 6 (life, survival and development), 16 (right to privacy) and 24 (health and health services). The Bill will negatively impact on article 13 (expression), article 14 (thought, belief and religion) and article 15 (expression) however on balance protecting those using and providing abortion services from harmful anti-abortion activities outside premises providing those services has an overall greater impact than negative.

3. Which groups of children and young people are currently or will be affected by the relevant proposal?

As set out above, the aim of the Bill is to protect access to abortion services across Scotland, and to achieve this the Bill will:

- create an automatic safe access zone comprising the premises which provide abortion services (“the protected premises”), the public area of the attaching grounds if there are any, and a zone (also being the public area) of 200m extending in all directions from the edge of the protected premises.
- allow health providers or Health Boards to respond to local circumstances by providing the ability for them to apply for an extension of a safe access zone if the current zone does not provide adequate protection;
- create offences within a safe access zone which prohibit behaviours in terms of their impacts, rather than providing an exhaustive list of prohibited behaviours and activities;
- safeguard the rights of those who wish to protest or otherwise demonstrate opposition to abortion by limiting the prohibition to only activities carried out (or which can be seen or heard) in public areas within the boundary of a zone.

As such, the policy will impact on everyone accessing or providing abortion services, or participating in anti-abortion activity outside of premises that provide abortion services, regardless of age. Those accessing services will be of child bearing age and therefore those under the age of 18 may seek access to abortion services. Public Health Scotland (PHS) publishes annual statistics regarding the termination of pregnancy. Since 2013, at least 99 young people under 16 and at least 1,480 16- to 19-year-olds have had an abortion each year. For those under 18, an early medical abortion at home is not recommended; therefore, this group are more likely to have to attend a premise which provides abortion services than groups for whom medical abortion at home is more widely available.

4. Is a Stage 2 Children's Rights and Wellbeing Impact Assessment required? (Tick relevant requirement)

CRWIA required No explanation required, please complete questions 5 and 6

CRWIA not required

Explanation why CRWIA is not required:

We assess that a full CRWIA is not required. The policy is aimed at the population of Scotland as a whole: any benefits will be for the whole of Scotland regardless of age. When developing the content of the Bill stakeholders views were sought, and stakeholder engagement will continue as the Bill progresses through Parliament. The evidence gathered through the development of the Bill demonstrates that anti-abortion activity, to the extent that it impacts on persons under 18 who are seeking to access abortion services or who are accompanying those seeking to access services, can potentially interfere with the rights detailed within the United Nations Convention on the Rights of the Child (UNCRC).

5. Sign & Date

Policy Lead Signature & Date of Sign Off: Erin McCreddie 02/10/2023

CRWIA author, if different from policy lead, Signature & Date of Sign Off:

Deputy Director Signature & Date of Sign Off: Elizabeth Saddler

Date SGLD contacted 29/09/2023



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