

Abortion Services (Safe Access Zones) (Scotland) Bill

Fairer Scotland Duty summary

October 2023

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<p>Title of policy, strategy or programme</p>	<p>Abortion Services (Safe Access Zones) (Scotland) Bill</p>
<p>Summary of aims and expected outcomes of strategy, proposal, programme or policy</p>	<p>The aims of the Bill are to:</p> <ul style="list-style-type: none"> • 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. <p>Importantly, the aim is not to prevent the expression of opposition to the provision of abortion services or restrict the expression of religious views on abortion. It is only to prevent their expression in limited areas to the extent necessary to achieve the overarching aims.</p> <p>To achieve this, the Bill will automatically create a default safe access zone around all premises which provide abortion services in Scotland. The zone will comprise the premises providing abortion service, the public area of the grounds (if any) of the premises and the public area of land that lies within a boundary that is</p>

	<p>200 metres from the edge of the premises.</p> <p>The intended outcome of the Bill is to prevent or reduce the harmful impacts of anti-abortion activity conducted outside premises providing abortion services on users and providers of such services.</p> <p>In order to provide adequate protection for service users and providers from anti-abortion activities, the Bill creates offences to prevent individuals from engaging in harmful behaviours inside a safe access zone. Careful consideration has been given to these, and this has also been informed by a range of stakeholder engagement and learning from other jurisdictions.</p> <p>This Bill is aligned with the Healthier, Wealthier and Fairer Strategic Objectives, and contributes to the following National Outcomes:</p> <ul style="list-style-type: none"> • 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
<p>Summary of evidence</p>	<p>Throughout the development of the Bill, the Scottish Government has gathered evidence from several sources, including Police Scotland, Crown Office and Procurator Fiscal Service, pro-choice campaign groups, organisations that participate in anti-abortion activity, faith groups, and patient testimonials. Alongside consultation analysis, the evidence gathered demonstrates that anti-abortion activities can have a significant negative impact on the wellbeing of those who experience anti-abortion activities while attempting to access or provide those services. Ensuring that these activities are</p>

prohibited within close proximity to premises providing abortion services will provide protection for all of those who use or provide abortion services from these impacts.

The Bill has not been developed with particular groups of individuals in mind; the intention is to create equal protection for all service users and providers. This will necessarily include individuals from disadvantaged groups.

Public Health Scotland (PHS) routinely collects data and publishes an annual report on abortion on behalf of the Scottish Government. The most recent data published by PHS¹ covers the reporting period ending in December 2022 and showed abortion rates per 1000 women were nearly twice as high for those residing in the most deprived Scottish Index of Multiple Deprivation (SIMD) areas (21.7 per 1,000 within SIMD 1) compared to those living in the least deprived SIMD areas (11.1 per 1,000 within SIMD 5).²

Service users from areas with the highest rates of deprivation were also more likely to report multiple terminations.

Service users from the lowest economic backgrounds may be disproportionately affected by any anti-abortion activities occurring outside premises, since they are more likely to access services, and have multiple abortions, and as such may be more likely to encounter such behaviour. In addition, whilst there is no causal link between the location of anti-abortion activity and areas of deprivation insofar as the areas are not targeted for this reason, to date the majority of anti-abortion activity has occurred outside premises providing abortion services in

¹ Termination of pregnancy statistics year ending December 2022 [Termination of pregnancy statistics - Year ending December 2022 - Termination of pregnancy statistics - Publications - Public Health Scotland](#)

² Scottish Index of Multiple Deprivation [SIMD \(Scottish Index of Multiple Deprivation\)](#)

	<p>areas which have the highest rates of deprivation such as Glasgow. For these reasons, people accessing abortion services in areas of multiple deprivation are also likely to be impacted positively by the measures to limit the extent to which they are exposed to this activity.</p> <p>Service users from ethnic minority backgrounds were more likely to self-report multiple terminations, with 67% of black and Caribbean women self-reporting a previous termination compared to 42% of white women.</p> <p>The Scottish Government acknowledges that individuals from ethnic minorities are less likely to engage with healthcare services as a result of potential racial discrimination.³ In a recent study by the Scottish Government, women from ethnic minorities discuss how racism can impact their mental and physical wellbeing⁴. This is mirrored in other research which examines racism within healthcare⁵.</p> <p>Service users from ethnic minority backgrounds may be disproportionately affected by any anti-abortion activities occurring outside premises, since they are more likely to have multiple abortions, and as such may be more likely to encounter such behaviour. Therefore, experiencing such activity when accessing services may compound the reluctance highlighted above and contribute to further distress. For these reasons, people from ethnic minority backgrounds are also likely to be impacted positively by the measures to limit the extent to which they are exposed to anti-abortion activity.</p>
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³ Women's experience of discrimination and the impact on health: research [Part 1 - Evidence review and rationale for research - Women's experiences of discrimination and the impact on health: research - gov.scot \(www.gov.scot\)](#)

⁴ See [A qualitative exploration of the barriers and facilitators affecting ethnic minority patient groups when accessing medicine review services: Perspectives of healthcare professionals - PMC \(nih.gov\)](#)

⁵ See [Race, Ethnicity, Culture, and Disparities in Health care - PMC \(nih.gov\)](#)

	<p>Although we know anti-abortion activity has taken place in six locations in the last five years, there is limited information about the characteristics, including the socioeconomic status, of those who take part in this activity. There is therefore no evidence to suggest that restricting this behaviour will affect inequalities of outcome negatively for those who participate.</p>
<p>Summary of assessment findings</p>	<p>The Bill will have a positive effect on individuals from disadvantaged groups as it will seek to protect service users and providers from anti-abortion activities which are harmful and may further compound barriers which these groups already face. As noted above, individuals from ethnic minority groups are more likely to have multiple abortions which means they are potentially more likely to encounter anti-abortion activity. Likewise, individuals who live in areas with the highest rates of deprivation are more likely to attend premises where anti-abortion activity has occurred, Therefore, by establishing safe access zones around all premises in Scotland which provide abortion services, these groups will be positively impacted.</p> <p>The Scottish Government will continue to engage with stakeholders throughout the Bill process to ensure that any issues, concerns or suggestions regarding the impact on inequalities of outcome are considered.</p> <p>No changes are proposed as a result of this assessment. It has not identified any additions to the policy in terms of its impacts on inequalities of outcome. The Bill seeks to benefit service users and providers accessing abortion services, and the legislation will be applied consistently across all premises providing abortion services within Scotland.</p>

Sign off

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