

Response to the Abortion Services (Safe Access Zones) (Scotland) Bill consultation

Scottish Youth Parliament
December 2023



Introduction:

SYP's response to the Abortion Services (Safe Access Zones) (Scotland) Bill Consultation is based on a number of sources.

Summary of our key recommendations:

- SYP fully supports the creation of Safe Access Zones - ***“The Scottish Youth Parliament supports calls for new legislation to protect those accessing abortion services from intimidation and harassment through the creation of protest buffer zones around relevant medical facilities in Scotland.”*** (SYP Recommendation, 2022)
- SYP believes more needs to be done alongside the Bill to ensure young people feel supported when they access abortion services - ***“The Scottish Youth Parliament calls on the Scottish Government to decriminalise abortion, to ensure that provision is regulated in line with all other healthcare and to improve access to free and safe abortion services for all in Scotland.”*** (SYP Policy, 2020, 86% agreed)

Who We Are

The Scottish Youth Parliament - www.syp.org.uk

The United Nations Convention on the Rights of the Child (UNCRC) is the basis for the Scottish Youth Parliament's (SYP's) vision, mission and values. In particular, SYP embodies Article 12 of the UNCRC, which states that young people have the right to express their views freely and have their opinions listened to in all matters affecting them. As a completely youth-led charity, the words and sentiment of Article 12 have profound importance for our work.

Our Vision

The Scottish Youth Parliament (SYP) is the democratic voice of Scotland's young people. Our vision for Scotland is of a nation that actively listens to and values the meaningful participation of its young people. Our goal is to make this vision a reality, in order to ensure young people in Scotland grow up loved, safe and respected, and able to realise their full potential.

Our Mission

SYP is a rights-based charity, with members supported by all of Scotland's 32 local authorities and 11 National Voluntary Organisations. SYP's mission is to provide a national platform for young people to discuss the issues that are important to them, and campaign for changes to the nation that they live in. We support our members in their work by training them, supporting their personal development, and empowering them, using a youth work ethos. Our democratically elected members listen to and recognise the issues that are most important to young people in every community across the country and ensure that decision-makers listen to their voices.

Our Values

Democracy - We are youth-led and accountable to young people aged 14 to 25. Our democratic structure and the scale of our engagement across Scotland gives us a mandate that sets us apart from other organisations.

Rights - We are a rights-based organisation. We are passionate about making young people aware of their rights and ensuring that local and national governments uphold their rights.

Inclusion and Diversity - We are committed to being truly inclusive and work tirelessly to ensure policymakers and politicians hear the voices of young people from every community and background in Scotland.

Political Impartiality - We are independent from all political parties. By working with all stakeholders, groups, and individuals who share our values, we deliver the policies that are most important to young people.

Our Approach

As a youth-led organisation, we are constantly seeking the views of our MSYPs and other young people to ensure our policy positions represent their views as clearly as possible. This means that we have numerous opportunities to collect qualitative and quantitative data on a variety of issues. To ensure our response can accurately reflect the views of our members and the young people they represent, we pulled our information from various sources. These included:

SYP Policy passed as a Members' Motion

At SYP Sitings, the membership gets together and has the opportunity to propose Member Motions that will become SYP policy statements. To submit a motion, they will have consulted with young people in their constituencies to demonstrate it is an issue important to young people. At the Sitting, the membership then votes on whether the motion should pass, again based on consultation of the proposed Motions with their constituents. By way of example, at the last SYP Sitting, SYP79 in July 2023, nearly 5000 young people were consulted before MSYPs voted on Members' Motions.

Rapid Policy Passed by MSYP (June 2022)

Sometimes rapidly evolving events arise that don't align with our typical policy creation timelines. To allow MSYPs to respond and create policy on important urgent issues, we have a rapid policy process. For a rapid policy to pass, it must meet the criteria of being a new urgent issue that directly affects young people in Scotland or has high international importance. However, it must not be covered by existing policy or be highly polarizing or divisive. Once it is approved by the relevant Trustees, Conveners, and Subject Committees (young people in decision-making positions), a rapid policy will last 1 year as less consultation has gone into it (unless it is renewed by the Conveners Group if they believe it's still an important policy).

Response to calls for views from Gillian Mackay MSYP on the Proposed Abortion Services (Safe Access Zones) (Scotland) Bill (August 2022)

SYP led a survey to gather MSYP's views to respond help respond to the call for views which received responses from 19 MSYPs alongside a discussion on Teams. MSYPs were asked about their support for the Bill, a precautionary approach, the size of the safe access zone, the activities banned, and the punishments set out in the Bill.

MSYP Speech on Access to Abortion Services at the Cabinet Meeting with SYP (June 2023)

To prepare for the speech to the Scottish Cabinet, a small survey was created for MSYPs to share their views and the views of their constituents. The survey received responses from 13 MSYPs, of which 9 identified as coming from a seldom heard group (such as LGBTQ+, Black or person of colour, young person with a disability, young carers, care experienced young people, young people with experience of criminal justice, or other groups that face barriers to participating in public life such as discrimination, poverty, or lack of free time). They were asked about their knowledge of support available for those accessing abortion services, barriers young people face to accessing abortion services, and what support could overcome barriers.

“Buffer Zones: Our Reproductive Right Report” by MSYP (October 2023)

MSYPs are encouraged to do their own consultation and research to support the policy they have passed and want to take action on to ensure their work accurately reflects young people’s views. This can include online surveys and focus groups, which are used to inform consultation responses or create their own reports to share with decision-makers.

For research into safe access zones and abortion services, an MSYP has conducted a survey which received 43 responses from young people across Scotland (30 were aged 16-19 and 12 were aged 20-25). Sixty per cent identified themselves as from a seldom-heard group (see above definition). They were asked about their support for safe access zones, barriers young people face to accessing abortion services, and what support could overcome barriers.

Please contact Matt McDonald (Matt.M@syp.org.uk) if you would like the report in full.

Questions

Q1 Do you agree with the purpose of the Bill?

SYP has had continuous support for the Bill and the creation of Safe Access Zones (also known as Buffer Zones) to protect the rights of people accessing abortion services.

In June 2022, a rapid policy at SYP was passed on Safe Access Zones after growing concern by young people witnessing the overturning of Roe v Wade in the US:

“The Scottish Youth Parliament supports calls for new legislation to protect those accessing abortion services from intimidation and harassment through the creation of protest buffer zones around relevant medical facilities in Scotland.”

It passed with 100% approval by Committee members responding (the Equality and Human Rights, Health and Wellbeing, and Justice Subject Committees). Later, it was renewed by the Conveners Group in the Summer of 2023 as the issue was deemed important and ongoing for young people in Scotland.

After the rapid policy passed, SYP consulted with MSYPs to form a response to calls for views from Gillian Mackay MSYP on the Proposed Abortion Services (Safe Access Zones) (Scotland) Bill. There was unanimous support as all 19 respondents supported the creation of safe access zones. Respondents explained; *“I don't think that it is fair for women undergoing this process to face abuse and potentially violence which will make the ordeal more stressful traumatic.”* And, *“abortion is essential healthcare and I think it is really important that Scotland is a safe place for women to have abortions so that we can be a progressive figurehead in women's rights internationally.”*

18 believed (and 1 was unsure) there should be a precautionary approach, meaning safe access zones should be applied to all abortion service sites, as one MSYP explained: *“by only creating buffer zones in sites known to have protests in the past, this is only going to encourage protestors to find new clinics to harass- everywhere should be made safer and not just places already identified to be unsafe. therefore, precautionary measures are vital.”*

Furthermore, SYP was fully supportive of a ban on all protests around those choosing to access abortion services, those who provide abortion services and those who facilitate the provision of abortion services. Of the MSYPs that responded, over 72% believed that these actions should be banned:

- Persistently, continuously, or repeatedly occupying the zone.
- Impeding or blocking somebody's path or an entrance to abortion services.
- Intimidating or harassing a person.
- Seeking to influence or persuade a person concerning their access to or employment in connection with abortion services.
- Demonstrating using items such as leaflets, posters, and pictures specifically related to abortion.

- Photographing, filming, or recording a person in the zone.

Later, an MSYP conducted a wider consultation that collected the views of young people in Scotland (not just MSYPs and their representative views) for their “Buffer Zones: Our Reproductive Right Report”. When respondents were asked “do you support the creation of buffer zones around abortions services?”, 79% said that they support it, whilst 4 young people were unsure and 5 did not. The MSYP leading this consultation remarked:

“This is different to Gillian Mackay’s consultation which found that 56.1% of respondents as supportive of buffer zones. Therefore, it could be noted that young people, as the group most likely to access an abortion, are also more likely to support buffer zones than the general population in Scotland. Although it should be noted that the Scottish Government consultation saw over 3000 responses from a single IP address fervently against the legislation. Without these responses Mackay’s consultation also had support from 78% of those consulted, meaning our survey, despite being much smaller than the Government one from 2022, reflects the wider national tone of support for buffer zones.”

One young person explained why they supported the creation of safe access zones: *“Ultimately it does not matter how many helplines or websites there are, I would never feel safe using abortion services if there was a protest outside. I’d be too worried for my safety.”*

Every time SYP has consulted with young people on the creation of safe access zones, there has been high support for it. Therefore, SYP strongly agrees with the purpose of the Bill.

Q2 Do you agree that the Safe Access Zone radius around protected premises should be set at 200 meters?

For calls for views from Gillian Mackay MSYP on the Proposed Abortion Services (Safe Access Zones) (Scotland) Bill, MSYPs were asked if they supported the proposed standard size of safe access zones being 150 meters around entrances of buildings which provide or house abortion services. Overall, MSYPs who responded to our survey unanimously agreed that an access zone of at least 150 meters should be present at each medical facility that provides abortion services.

When surveyed, over 84% of the 19 MSYPs who responded agreed that there should be a safe access zone of 150 meters. Additionally, 21% responded that they believe the size should be dependent on the site, with a couple of MSYPs stating:

“I think the size should be dependent, but, have a minimum of 150m”.

“I think this should be a minimum standard size however there would be the opportunity and specific sites to make this larger depending on the history of violence, discrimination etc. in that particular area.”

Q3 Do you think the offences in the Bill are proportionate?

For calls for views from Gillian Mackay MSYP on the Proposed Abortion Services (Safe Access Zones) (Scotland) Bill, MSYPs were asked about potential punishments for breaching a safe access zone. 79% of 19 MSYPs who responded to our survey were fully supportive, with 21% partially supportive of the punishments outlined.

One MSYP in support of potential punishments commented: *“I think that those who seek to put already upset and stressed women under more pressure and trauma deserve a harsh punishment”*.

Another MSYP pointed out that jail time shouldn't be the first option, saying:

“As I am opposed to prison sentences under a year, I think a 6 month sentence would be ineffective and simply create more difficulties within the system. I think it would be better replaced by a fine, community service, or mandatory education on the topic. However, for people who have repeated the offence, I would fully support 1 year+ jail time.”

In addition, one MSYP noted: *“I don't think it should be an offence”* but did not state why specifically. Another MSYP was also concerned about what this might mean for the right to protest: *“I am fully supportive of this bill and think buffer zones are essential to allow everyone who needs an abortion to access one safely and with dignity. I only worry about infringement on the right to protest, as much as I disagree with anti abortion protests, if there is a general ban on protesting about abortion rights.”*

Finally, several MSYPs in the discussion explained that they did not feel like they had the expertise to determine what punishment was correct, and this should be determined by others so they could only be partially supportive.

Q4 Do you have any further comments about the Bill?

MSYP believes more needs to be done to ensure young people have access to abortion services. In 2020, MSYPs put forward a member's motion stating:

“The Scottish Youth Parliament calls on the Scottish Government to decriminalise abortion, to ensure that provision is regulated in line with all other healthcare and to improve access to free and safe abortion services for all in Scotland.”

The motion passed with 86% support from the membership which had consulted with their constituents.

In addition, the MSYP's research for “Buffer Zones: Our Reproductive Right Report” found that there were many barriers young people face when accessing abortion services. This led to 4 key recommendations being made:

1. Buffer zones should be created around abortion care facilities in Scotland.
2. Reproductive rights and access to abortion services must be taught in all schools and colleges in compliance with the Curriculum for Excellence.

3. Resources must be accessible to young people by being inclusive, available in contexts accessible to young people, and co-designed by young people.
4. There needs to be greater resources and support for issues young people told us about, including how to deal with stigma, accessing support after an abortion, how to support someone you know going through an abortion, and further support for those experiencing gender dysphoria while accessing an abortion.

The age group most likely to access abortions in Scotland, according to Public Health Scotland, are young people aged 18-24. Therefore, it is vital for consultation surrounding abortion equity and resources to include the views and experiences of this age group. The creation of Safe Access Zones with the Bill is an important step in protecting the rights of those accessing abortion services, but our research has found more needs to be done to ensure young people feel supported when accessing abortion services.