

Response ID ANON-QPWH-U8WH-C

Submitted to Abortion Services (Safe Access Zones) (Scotland) Bill (Detailed)
Submitted on 2023-12-13 11:38:47

About you

Please read the privacy notice below and tick the box below to show that you understand how the data you provide will be used as set out in the policy.

I have read and understood how the personal data I provide will be used.

How your response will be published

I would like my response to be published in its entirety

What is your name?

Name:
Anthony Horan

What is your email address?

Email:
ahoran@rcpolitics.org

Are you responding as an individual or on behalf of an organisation?

Organisation

Do you live in Scotland?

Yes

How did you find out about this consultation?

Scottish Parliament website

If you selected 'Other' please provide further details in the box provided.:

Organisation details

Name of organisation

Name of organisation:
Bishops' Conference of Scotland

Information about your organisation

Please add information about your organisation in the box below:

The Catholic Church in Scotland is separated into eight independent territories called dioceses. There are two archdioceses: Saint Andrews and Edinburgh, and Glasgow. There are six dioceses: Aberdeen, Argyll and the Isles, Dunkeld, Galloway, Motherwell and Paisley. Each Bishop and Archbishop governs his own diocese in accordance with canon law and in communion with the Pope but, to promote consistency and to encourage common pastoral work across the whole church in Scotland, the bishops meet together and work together as the Bishops' Conference of Scotland.

The Bishops' Conference of Scotland is a registered charity and permanently constituted assembly which enables the Roman Catholic Bishops in Scotland to work together, undertaking nationwide initiatives through its Commissions and Agencies.

The members of the Bishops' Conference are the Bishops of the eight Scottish Dioceses.

The Catholic Parliamentary Office is an agency of the Bishops' Conference of Scotland and part of its remit is to engage with the work of Parliament and Government.

Your views on the purpose of the Bill

Do you agree with the overall purpose of the Bill? (Please tick one option)

No

Reasons for views on the Bill (No)

Why do you oppose this Bill? (Please tick all that apply):

I think that protesters offer help to people seeking an abortion, I am concerned about the right to protest, I feel that the Bill will impact upon human rights, I feel that sufficient legislation already exists, Other [please provide further details]

If you selected 'Other', please provide further details in the box provided below.:

Protestors offer help to people seeking an abortion:

The extreme proposals are patronising to women, removing the option of support for those who may want to keep their baby or who would at least like to explore that option.

We are also concerned about the use of the term 'protestor' to describe peaceful, prayerful people.

Concerned about the right to protest:

The proposals are extremely disproportionate, unnecessary, intolerant, and set a dangerous precedent with respect to the exercise of civil liberties, specifically: free expression (including the right to receive and impart information and ideas without interference by public authority) (Article 10 ECHR), freedom of assembly and association (Article 11 ECHR), and the right to freedom of thought, conscience and religion (Article 9 ECHR), including the freedom to pray. The proposals will also impact the right to private and family life (Article 8 ECHR) by criminalising actions in one's own home.

It is our understanding that there are no records of any arrests, charges or cautions related to prayer vigils.

The Bill will impact human rights:

The right to freedom of expression and freedom of assembly and association will be seriously impacted by the proposals, as the Bill will criminalise people for expressing certain views and occupying certain spaces. The Bill also takes the extraordinary step of criminalising prayer contrary to the right to freedom of thought, conscience and religion and will disproportionately affect people of faith.

The right to respect for private and family life is under threat from the criminalisation of prayer and the inclusion of nearby residential buildings in the proposed legislation.

It is concerning that the Bill's Delegated Powers Memorandum (para 29) explicitly admits that the Bill makes "every effort" to "mitigate against....how anti-abortion activity may be expressed", suggesting that an aim of the Bill is to silence those who disagree with abortion.

Sufficient legislation already exists:

Existing law is adequate to deal with any serious problems which arise at pro-life vigils, and it is significant that Police Scotland have not called for more powers.

Criminalisation of Prayer:

The Bill's Policy Memorandum explicitly anticipates that 'praying audibly' and 'silent vigils' will be criminalised under the Bill. The extraordinary and unprecedented move to criminalise peaceful prayer in parts of Scotland is completely unjust and an affront to democratic values.

Provisions in the Bill

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

No

Please provide reasons for your answer using the box provided below.:

The state-designated zones proposed in the Bill are unnecessary, disproportionate, intolerant, and are an attack on civil liberties, including freedom of expression, freedom of assembly and association, the right to respect for private and family life, and freedom of thought, conscience and religion.

What is your view on the proposed processes within the Bill to extend or reduce Safe Access Zone distances around protected premises in the event that 200m is not appropriate?

Please provide your response in the box provided below.:

The state-designated zones proposed in the Bill are unnecessary for the reasons outlined in answer to the previous question.

The Parliament is invited to consider seriously that legislation of this type ought to include a reasonable upper limit to which the governing authorities are bound and should not allow for the unrestrained ability to punitively increase the distance.

Do you agree with the definition of "protected premises" outlined in the Bill and its accompanying documents?

No

Please provide reasons for your answer using the box provided below.:

Notwithstanding opposition to the Bill in principle, the definition of 'protected premises' is extremely wide. For example, the Bill permits Ministers to include "any building or place where treatments or services related to abortion services are provided" as a protected premises. This could potentially include GP surgeries, sexual health clinics, pharmacies and counselling services which could result in hundreds more zones being set up and thus hundreds more locations where basic human rights are infringed and offers of support denied to vulnerable women.

Moreover, the inclusion of "relevant area" under section 5, disturbingly creates criminal offences within private properties, including residential properties, within the outer boundary of the "safe access zone".

We are extremely concerned that the Bill's provisions would apply to other buildings, such as schools and churches.

Do you feel the criminal offences created by the Bill are proportionate in terms of the activities they cover?

No

Please provide reasons for your answer using the box provided below.:

The proposed law is unnecessary, disproportionate and an infringement on fundamental freedoms. The law itself is inappropriate.

Do you feel that the penalty for offences related to the Bill is appropriate?

No

Please provide reasons for your answer in the box provided below.:

The criminal offences are disproportionate and set a dangerous precedent in relation to fundamental freedoms as already outlined in answer to previous questions. It is extraordinary that the Bill proposes criminalising prayer and criminalising actions inside a private home, school or church.

Existing law is adequate to deal with any serious problems which arise at peaceful, prayerful vigils and it is significant that Police Scotland have not called for more powers.

We are also concerned about the proposal to include an offence of "influencing". We fear that a dangerous precedent will be set by criminalising an individual who tries to "influence" another person to change their mind, an innocent and harmless practice that is commonplace throughout society.

What are your views on the impact of the Bill upon the rights enshrined under Articles 8, 9, 10, and 11 of the European Convention on Human Rights?

Please provide your views in the box provided below.:

The offences in the Bill are a direct attack on all of the listed rights. The right to freedom of expression and freedom of assembly and association will be seriously impacted by the proposals, as the Bill will criminalise people for expressing certain views and for being present in certain locations.

The Bill criminalises prayer and is thus an attack on freedom of thought, conscience and religion.

The right to respect for private and family life is compromised by the criminalisation of prayer and the inclusion of nearby residential buildings in the proposed legislation.

Do you think that the Bill's intended policy outcomes could be achieved through another means, such as existing legislation?

Please provide your response in the box provided below.:

Yes, as explained in previous answers, existing legislation is sufficient; peaceful vigils have existed for many years in Scotland and the Police are not asking for more powers.

We urge the Scottish Parliament to engage with all viewpoints in constructive dialogue. Disappointingly, pro-life groups were excluded from all "Abortion Summits" convened by the Scottish Government in 2022.

Do you have any further comments to make about the provisions in the Bill?

Please provide your response in the box below.:

All harassment and intimidation of people, including those attending hospitals and medical facilities, is to be condemned. Thankfully, there are already laws in place to protect people from such unacceptable behaviour.

The proposed Bill is unnecessary and disproportionate, and also intolerant of peaceful, prayerful vigils.