

Engender Parliamentary Briefing: Abortion Clinic Buffer Zones

November 2021

BACKGROUND

Engender is Scotland's feminist policy and advocacy organisation. We work towards a Scotland where women and men have equal access to power, safety, resources and rights, and to make visible the impacts of sexism. We are pleased to welcome Parliament's debate on Abortion Clinic Buffer Zones. Harassment of women seeking healthcare is a clear violation of women's rights which represents an egregious interference with basic human rights.

Engender unequivocally supports women's autonomy over their bodies and their lives and considers abortion access fundamental to women's rights and gender equality. Access to safe abortion healthcare is essential for the realisation of women's economic and social human rights. All women must have a legal right to make choices around family planning, supported by quality abortion healthcare, adequate and culturally sensitive information and must be able to access care without intimidation, coercion, harassment, or stigmatisation.

1. Abortion in Scotland

Abortion in Scotland remains highly paternalistic and stigmatised — subject to legal and service restrictions that do not apply to any other healthcare. Women experience a number of barriers to quality care, including the requirement for two doctors to certify the approval for an abortion, the need for multiple appointments, and lack of available services for later abortion care in many local areas. This is despite abortion being the most common gynaecological procedure in the world, accessed by 1 in 3 women at some point in their lives.

2. Impact of protests

We are presently witnessing a global pushback against women's rights to abortion, alongside a greater rollback in women's equality due to the pandemic, that places women at greater risk of violence and economic precarity. Engender is resolute that women's human rights cannot be secured without access to abortion, and commitments in Scotland to incorporate the UN Convention on the Elimination of All

Forms of Discrimination Against Women (CEDAW) are significantly weakened by a failure to protect women from interference with their rights through targeted harassment and intimidation.

A survey carried out in conjunction with Chalmers Street Sexual Health Centre between April and June 2020 found that 56% of people visiting the Edinburgh clinic felt very uncomfortable because of 'protesters'.¹ There is clear public support for restrictions on where protests can occur – a survey from earlier this year found that 82% agreed that protesters should be kept a minimum distance away from those attending healthcare facilities.²

Unlike typical protests against state or organisational action, the presence of anti-abortion campaigners at services aims to disrupt individual women's pre-determined course of action. Women who experience multiple forms of discrimination may encounter harassment underpinned by not only sexism but imbued with racism, ageism or ableism. Trans and non-binary people or women who wish for additional privacy such as younger women or women living in remote or close-knit communities may feel further vulnerable.

Campaigners frequently carry materials directed at individual women, urging them to avoid abortion, often with extremely distressing images and messages. Some information provided in protests and leaflets is extremely inaccurate. Vigils and 'protests' have continued in several locations throughout the pandemic, often in spite of public health advice and at a time when women were required or encouraged to attend clinics alone.

The presence of 'protesters' or vigils outside clinics which provide abortion services affects not only women accessing abortion, but harms staff and other patients seeking sexual and reproductive health services, from contraception to STI checks. This interference with patient access undermines privacy and dignity and can dissuade people from accessing vital and urgent treatments, including but not only abortion. Staff simply doing their jobs may face such activities daily, creating an environment of fear and intimidation at their workplace.

3. Stigma

Abortion stigma has a significant impact on women's freedom and choice to access services. Media portrayal of abortion has been found to be one-sided, and significantly shapes public perception of health issues and reasons that women seek out abortions.

¹ Anderson J (2021) Edinburgh Council backs abortion clinic 'buffer zones' after women harassed. Edinburgh Live Available at: <https://www.edinburghlive.co.uk/news/edinburgh-news/edinburgh-council-backs-abortion-clinic-19901543>.

² Cassidy J (2021) Poll 82 per cent of Scots want end to abortion clinic protests. The National Available at: <https://www.thenational.scot/news/19035553.poll-82-per-cent-scots-want-end-abortion-clinic-protests/>.

Abortion is not portrayed as a standard procedure that is routinely experienced by women across society. Rather, those who choose abortion are cast as a particular 'type' or 'subset', held up in contrast to 'normal' women, and judged and vilified as being irresponsible, selfish, and immoral.

These negative impressions of abortion contribute significantly to the ongoing stigmatisation and taboo that surround abortion and prevent women from talking about their experiences or seeking timely, routine support.³

4. Consistency of approach to buffer zones

The Scottish Government has set out its view that abortion is a matter of women's healthcare and women's human rights. The Women's Health Plan sets out the Government's aim that "All women will be able to access timely abortion care without judgment." It further commits, in the medium term, "NHS, Local Authorities, Justice agencies and Scottish Government to work together to find ways of preventing women feeling harassed when accessing abortion care due to protests or vigils."

However, regrettably, this ambition has not yet led to a commitment to implement buffer zones. The 2021-22 Programme for Government commits the Government to "support any local authority who wants to establish byelaws to create protest-free buffer zones outside clinics that provide abortion services."⁴ COSLA and local authorities have previously argued that buffer zones remain the responsibility of Scottish Government. Edinburgh City Council has this year voted to call on Scottish Government to implement restrictions on protest around clinics.⁵

However even if local government were to act, this risks a postcode lottery for women accessing local services and is insufficient to uphold the Scottish Government's commitments on women's rights and on women's health. When the UN CEDAW Committee examined the extremely restrictive abortion laws in Northern Ireland it stated that "...the delegation of government powers does not negate the direct responsibility of the State party's national or federal Government to fulfil its obligations to all women within its jurisdiction." In line with this principle, we urge Scottish Government to show leadership and to implement buffer zones at the national level as part of women's access to normal, vital healthcare.

³ Purcell C, Hilton S, McDaid L (2014) The stigmatisation of abortion: a qualitative analysis of print media in Great Britain in 2010. *Culture, Health and Sexuality* 16:9 1141-1155 DOI: 10.1080/13691058.2014.937463.

⁴ Scottish Government (2021) A fairer, greener Scotland Programme for Government 2021-22. Edinburgh: Scottish Government Available at: <https://www.gov.scot/publications/fairer-greener-scotland-programme-government-2021-22/>.

⁵ The City of Edinburgh Council (2020) Introduce buffer zones around clinics that provide abortion services. Available at: <https://www.edinburgh.gov.uk/directory-record/1312475/introduce-buffer-zones-around-clinics-that-provide-abortion-services>.

Finally, the delay in action to preserve telemedical services – which offer a safe, private and potentially more accessible service for women who wish to self-manage their abortion – is extremely concerning for women who require additional privacy or are additionally vulnerable to intimidation.

SUMMARY

Engender calls for a robust strategy to respond to activity at abortion clinics aimed at people accessing abortion as harassment and abuse, including implementation of buffer zones around clinics, as part of the Scottish Government's stated ambitions on abortion rights and access to forms of quality healthcare predominantly utilised by women.

FOR FURTHER INFORMATION

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ABOUT US

Engender is Scotland's feminist policy and advocacy organisation, working to increase women's social, political and economic equality, enable women's rights, and make visible the impact of sexism on women and wider society. We work at Scottish, UK and international level to produce research, analysis, and recommendations for intersectional feminist legislation and programmes.