



The Church of Scotland

Official Response

Subject: Abortion Services (Safe Access Zones) (Scotland) Bill Stage
One Call for Evidence

Requested by: The Scottish Parliament Health, Social Care and Sport
Committee

Date: 20 December 2023

Prepared on behalf of: The Public Life and Social Justice Programme Group

The Church of Scotland seeks to inspire the people of Scotland and beyond with the Good News of Jesus Christ through enthusiastic worshipping, witnessing, nurturing and serving communities.

The Church of Scotland is one of the largest organisations in the country. We have around 280,000 members, with more regularly involved in local congregations and our work. We have around 650 ministers serving in parishes and chaplaincies, supported by both centrally and locally employed staff.

Most of our parishes are in Scotland, but we also have churches in England, Europe and afield. The Church of Scotland plays a pivotal role in Scottish society and works with communities worldwide.

This response has been prepared and agreed by the Church's Public Life and Social Justice Programme Group.

www.churchofscotland.org.uk
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Do you agree with the overall purpose of the Bill? (Please tick one option)

- Don't know

Reasons for views on the Bill (Partially or Don't Know)

Please provide further details in the box provided below.

The General Assembly of the Church of Scotland most recently considered issues related to access to abortion in the 1980s. A separate report on the ethics of campaigning was received in 2010. The specific questions raised by this Bill have not been considered by the Church. We offer this response to draw attention to the earlier work that has been done in order to offer suggestions and questions for those involved in decisions about this legislation.

In the absence of a recent or specific view expressed by the General Assembly there is likely to be a broad diversity of opinion within the membership of the Church of Scotland, both on the question of abortion choices in general, as well as on the specifics of this Bill. This will be reflective of wider society.

Abortion

As agreed by the General Assemblies held in 1966, 1986, 1987 and 1988, the Church of Scotland recognises there are criteria for abortion which include a "serious risk or grave injury to the health, whether physical or mental, of the pregnant woman".

It is likely that many members of the Church think that the current law on abortion is leading to too many abortions; in the 1980s reports there was repeated anxiety that the law was being interpreted to allow ‘abortion on demand’.

We believe it is likely that attitudes and opinions within the Church may have altered over the intervening 30+ years since the issue was last formally considered. We acknowledge that there will be members and ministers of the Church that support access to abortion services as part of reproductive health care for women to choose and access as they require.

We do not believe that there would be a consensus on this Bill within the Church of Scotland.

The committee which has prepared this response for the Church of Scotland (the Public Life and Social Justice Programme Group) believe patients, service users – including those who are there for reasons other than abortion, such as if they have experience miscarriage, still birth or neonatal death – and staff should have safe and unimpeded access to legitimate and lawful treatment. However, this perspective is one view within the Church of Scotland and does not represent an official or settled position on whether this legislation is justified and proportionate.

Ethics of Campaigning

The General Assembly of 2010 received a report on the Ethics of Campaigning, commissioned in the light of campaigns for nuclear disarmament.

One issue raised in the report and confirmed by a Deliverance of the General Assembly – which is to say that “there are times when non violent direct action, involving potential or actual civil disobedience in the form of deliberate lawbreaking, may be regarded as a legitimate approach to expressing the Gospel”.

If the Church, or more likely an individual member, believes in a cause to a significant extent, then it or he/she may consider non-violent law-breaking as a legitimate and appropriate response. If the Bill is passed, it is possible that Christians witnessing to their beliefs would be prepared to continue with their protests, even if it meant breaking the law.

We acknowledge that there is a debate about whether it is legitimate to restrict Article 9 freedoms in this way: is it a justified measure in the interests of public safety and to protect the rights and freedoms of others? The Church of Scotland does not have a corporate view on this, and we expect there is likely to be a divergence of opinion. We simply caution that any restriction on Article 9 must be only be contemplated as a last resort. Our question to the Committee, and through them the Government, would be what other work has been attempted to secure safe access for patients and staff? And is the Committee and Parliament satisfied that this Article 9 restriction is indeed justified?

Legislation

Legislation can have both statutory and symbolic power. There is a risk in trying to resolve a public controversy where the more popular or powerful side uses legislative and moral force to attempt to silence or delegitimise the minority voice. In this case, protection of people seeking or offering services may be the aim of the legislation, but the symbolism is that expressions of anti-abortion opinion are wrong. This proposal is unlikely to change the opinion of the minority group (in fact it may simply harden their approach), and is therefore likely to be an imperfect solution.

The symbolic role of legislation may deter future protests without leading to any prosecutions. A reasonable person might find some of the invasive and hostile approaches such as direct confrontation and video recording to be unacceptable. However, they may consider a person praying silently with a candle to be acceptable. It may be hard to define activity on the face of the Bill. It may be helpful if the Committee examined the impact of similar legislation in other jurisdictions.

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.

Our comment is included in our response to the first question, above.