



**Proposed Abortion Services (Safe Access Zones) (Scotland) Bill**  
**Response from the Scottish Council of Jewish Communities (SCoJeC)**

**Background information**

The Scottish Council of Jewish Communities (SCoJeC) is the representative body of all the Jewish communities in Scotland. SCoJeC advances public understanding about the Jewish religion, culture and community, by providing information and assistance to educational, health, and welfare organisations, representing the Jewish community in Scotland to Government and other statutory and official bodies, and liaising with Ministers, MSPs, Churches, Trades Unions, and others on matters affecting the Jewish community. SCoJeC also provides a support network for the smaller communities and for individuals and families who live outwith any Jewish community or are not connected with any Jewish communities, and assists organisations within the Scottish Jewish community to comply with various regulatory requirements. SCoJeC also promotes dialogue and understanding between the Jewish community and other communities in Scotland, and works in partnership with other organisations and stakeholders to promote equality, good relations, and understanding among community groups.

In preparing this response we have consulted widely among members of the Scottish Jewish community, and this response reflects the views of all branches of Judaism that have communities in Scotland.

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We are aware of Ms Mackay's statement that "This [proposed Bill] is not about the moral right or wrong of abortion", but wish, nonetheless, to clarify the position of the Jewish community.

The requirement to save life is central to Jewish belief – Jewish religious law states that "one who saves a single life is regarded as if he had saved the whole world", and almost all other religious obligations must (not "may") be set aside in order to do so. However, Jewish religious law does not recognise a fetus as having the status of a human life until birth, and therefore prioritises the wellbeing of the mother.

There are some differences between the views of the different branches of Judaism, but all agree that a ban on abortion is entirely inconsistent with Jewish religious law. All branches of Judaism agree that a pregnancy should be terminated if the mother's life would be at all at risk by continuing a pregnancy, whether that risk is caused by physical or mental health issues. For avoidance of doubt, this would include situations when the mother's physical or mental health is at risk when the pregnancy has resulted from rape or incest. Some senior Orthodox Rabbis have also supported the use of abortion in cases when the fetus has been diagnosed *in utero* with painful and incurable conditions such as Tay-Sachs disease, on the grounds of alleviating distress to the mother who would

otherwise have to witness the extreme suffering of her child. In essence, a ban on abortion – or intimidation and harrassment of women seeking abortion services – would limit the Jewish community’s ability to live our lives in accordance with our responsibility to preserve life. Orthodox Judaism would not, however, support a ‘right to choose’ or ‘abortion on demand’.

Reform Judaism has not taken a definitive stance, but recognises that sometimes women have to be able to avail themselves of medical help for a safe abortion, and supports women who make that difficult choice.

On modern social policy grounds, Liberal Judaism affirms the rights of women over their bodies, and of women’s right to choose an abortion in all circumstances. Liberal Judaism would call on women to take seriously the ethical questions concerned with terminating the life of a fetus, but believes that ultimately the decision rests with the mother.

### **Aim and approach**

#### **1. Which of the following best expresses your view of the proposed Bill?**

- Fully supportive**
- Partially supportive**
- Neutral (neither support nor oppose)**
- Partially opposed**
- Fully opposed**
- Unsure**

Access to abortion services is a legal right in Scotland, and, as we have explained above, Judaism also permits abortion. People accessing any legal health service, including abortion services, should be able to do so without intimidation, together with anyone who may be accompanying them, in a manner that enables them to feel safe, and that their privacy is respected.

#### **2. What is your view of the proposal for safe access zones being introduced at all healthcare settings that provide abortion services throughout Scotland?**

- Fully supportive**
- Partially supportive**
- Neutral (neither support nor oppose)**
- Partially opposed**
- Fully opposed**
- Unsure**

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3. **What is your view of the proposal for the ‘precautionary’ approach to be used, in which a safe access zone is implemented outside every site which provides abortion services?**

- Fully supportive**
- Partially supportive**
- Neutral (neither support nor oppose)**
- Partially opposed**
- Fully opposed**
- Unsure**

Access to abortion services is a legal right in Scotland, and, as we have explained above, Judaism also permits abortion. People accessing any legal health service, including abortion services, should be able to do so without intimidation, together with anyone who may be accompanying them, in a manner that enables them to feel safe, and that their privacy is respected.

4. **What is your view of the proposed standard size of a safe access zone being 150 metres around entrances to buildings which provide or house abortion services?**

- Yes – support this part of the proposal**
- No – believe they should be a different standard size**
- No – believe the size should be decided based on each site**
- No – do not support the introduction of safe access zones in any form**
- Unsure**
- Other**

Whatever area is appropriate and practicable to prevent intimidation.

5. **What is your view of the proposal to ban all protests including both protests in support of and those in opposition to: A person’s decision to access abortion services (ie a woman having an abortion)?**

- Fully supportive**
- Partially supportive**
- Neutral (neither support nor oppose)**
- Partially opposed**
- Fully opposed**
- Unsure**

Assuming this question to refer only to the area within a safe access zone, we are fully supportive. We would not support a proposal to ban all protests on the subject more generally, as we strongly support freedom of speech and the right of protest.

6. **What is your view of the proposal to ban all protests including both protests in support of and those in opposition to: A person's decision to provide abortion services (ie a doctor, nurse, or midwife)?**

- Fully supportive**
- Partially supportive**
- Neutral (neither support nor oppose)**
- Partially opposed**
- Fully opposed**
- Unsure**

Since a service cannot exist without professionals to provide that service, then, assuming this question to refer only to the area within a safe access zone, we are fully supportive. We would not support a proposal to ban all protests on the subject more generally, as we strongly support freedom of speech and the right of protest.

7. **What is your view of the proposal to ban all protests including both protests in support of and those in opposition to: A person's decision to facilitate provision of abortion services (ie administrative or support staff)?**

- Fully supportive**
- Partially supportive**
- Neutral (neither support nor oppose)**
- Partially opposed**
- Fully opposed**
- Unsure**

Since a service cannot exist without administrative and support staff to facilitate that service, then, assuming this question to refer only to the area within a safe access zone, we are fully supportive. We would not support a proposal to ban all protests on the subject more generally, as we strongly support freedom of speech and the right of protest.

8. **Which types of activity – when done for the purposes of influencing a person's decision to access healthcare settings including abortion services - do you consider should be banned in a safe access zone?**

- 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**
- All of the above**

- None of the above
- Other

**9. What is your view on the potential punishments set out in the proposal for breach of a safe access zone?**

- Fully supportive
- Partially supportive
- Neutral (neither support nor oppose)
- Partially opposed
- Fully opposed
- Unsure

We agree that it is appropriate for this proposed offence to parallel the “Breach of a non-harassment order” under s9 of the Protection from Harassment Act 1997.

**10. Do you think there are other ways in which the Bill’s aims could be achieved more effectively?**

- Yes
- No
- Unsure

In our view, the proposed Bill provides a reasonable balance between the right of people to feel safe and unthreatened when accessing abortion services, and the right to protest.

**Financial implications**

**11. Any new law can have a financial impact which would affect individuals, businesses, the public sector, or others. What financial impact do you think this proposal could have if it became law?**

- a significant increase in costs
- some increase in costs
- no overall change in costs
- some reduction in costs
- a significant reduction in costs
- I don’t know

We are unable to comment on the financial impact, but believe it is not unreasonable for the public sector to incur costs in order to facilitate safe and unthreatened access to legal health services.

**Equalities**

**12. Any new law can have an impact on different individuals in society, for example as a result of their age, disability, gender re-assignment, marriage and civil**

**partnership status, pregnancy and maternity, race, religion or belief, sex or sexual orientation? What impact could this proposal have on particular people if it became law?**

- Positive**
- Slightly positive**
- Neutral (neither positive nor negative)**
- Slightly negative**
- Negative**
- Unsure**

The proposal would have a positive impact on people accessing abortion services and those who accompany them. While it would clearly have a negative impact on those who wish to protest or campaign against access to such services, it would not prevent such activities, merely limit their location to places where they would be less likely to upset or intimidate those who may be particularly vulnerable in this respect.

### **Sustainability**

**13. Any new law can impact on work to protect and enhance the environment, achieve a sustainable economy, and create a strong, healthy, and just society for future generations. Do you think the proposal could impact in any of these areas?**

- Yes**
- No**
- Unsure**

We do not have sufficient information to comment on this question.

### **General**

**14. Do you have any other additional comments or suggestions on the proposed Bill**

- Yes**
- No**
- Unsure**

Abortion is a legal medical procedure, and, as we have already stated, all branches of Judaism prioritise the mother's health over that of the fetus. All those wishing to access abortion services should be able to do so in a manner that enables them to feel safe and unthreatened. Intimidation and harassment of women near the entrance to abortion facilities may deter them from accessing clinics, pushing them instead towards risky unregistered facilities or dangerous 'self-help'. While we strongly affirm the right to freedom of speech and the right to protest, we do not accept that demonstrators have any right to intimidate others, especially those who may already be experiencing physical, mental, or emotional trauma, and therefore strongly support measures to ensure that any mother seeking abortion services is able to receive them in a safe, unthreatened, and legal environment.