

Scottish Women's Rights Centre
Equally Safe Consultation Response
29/06/2017

PRIORITY 1: Scottish society embraces equality and mutual respect, and rejects all forms of violence against women and girls

Q. Do you agree or disagree that the actions listed under priority 1 are the right actions to help meet the objectives of priority 1?

A. Disagree

The Scottish Women's Rights Centre welcome the opportunity to respond to the consultation on the draft delivery plan of Equally Safe and in particular the acknowledgement within the strategy of the importance of cross-sector working to address violence against women. However, it is our concern that too heavy a focus on the causal story within the priority actions is at the expense of concrete actions which could be taken to tackle violence against women directly and immediately. Whilst we recognise the importance of both the overarching causal story and the value of equality and mutual respect, we are concerned that this narrative is weighted too heavily within a strategy specifically devoted to violence against women.

For example, the focus on awareness in schools is welcome, but discussing bullying, equality and gender stereotypes does little to reject all forms of violence against women. There must be specific actions that address gender based violence, and which develop awareness of the multitude of ways in which these manifest, with the knowledge that many children will be experiencing, witnessing or at risk of said violence. Education around consent is markedly absent from the strategy which is an imperative element of a broader prevention strategy for sexual violence. The strategy should acknowledge Rape Crisis Scotland's National Prevention Programme, given this is the only existing evidence based approach in Scotland to changing young people's knowledge and attitudes.

Specialist services should be provided/commissioned to develop age appropriate awareness in tandem with enhanced training and knowledge building amongst staff to ensure comprehensive support is accessible and effective when disclosures of violence are first made. Training should be undertaken by all staff to ensure that school pupils are supported and that teachers work with an understanding of gendered power and gender based violence when they respond to incidents or patterns of behaviour, and are aware of where to report or refer to for support.

The Scottish Women's Rights Centre believe that joint working between the education department and other sectors such as health, social services and the police could provide a more coordinated approach that has a greater impact.

The causal story itself cannot be fully addressed by limited actions on education, awareness and employment; to do so risks neglecting the many other contributing factors that create

harmful societal attitudes and detracts from the urgent objective of rejecting all forms of violence against women.

Q. Please tell us about any of the priority 1 actions that you are particularly supportive of.

A. The Scottish Women's Rights Centre welcome the action that would require the Scottish Government to refresh their corporate policy in line with Zero Tolerance's PACT resource. The responsibilities of employers must be recognised and taken seriously when it comes to supporting survivors and tackling perpetrators, particularly in addressing sexual harassment and responding to disclosures of domestic abuse.

In particular, there should be clear timescales for an employer to act and interim measures that they can take to ensure that the woman does not need to continue to come into contact with a perpetrator in the workplace. From the contacts we've received in relation to sexual harassment in the workplace, it would appear that some employers work on the basis that there needs to be corroborative evidence of a woman's allegation for them to be able to take action. It should be made clear to employers that this is not the case. Also, there are extremely restrictive deadlines for a woman to make a claim against her employer where they have failed to properly address sexual harassment within the workplace and are therefore vicariously liable. Where a woman makes an allegation of sexual harassment, employers should at that point be required to make them aware of these deadlines. We would also suggest that information about these deadlines is made available to employees at inductions and then then repeated regularly throughout their employment to ensure that they are aware of their legal rights in this regard.

These changes should include comprehensive guidance for employers on how to respond when both the victim and the perpetrator are employed in the same work place, and it should be tailored and include areas of employment that are typically less secure and where employees might have poorer terms and conditions and be working on zero hour contracts, such as hospitality and retail.

Interventions are necessary; there should be clear actions required of employers and processes to respond and ensure both the safety of survivors and that they do not lose income as a consequence of gender based violence.

The SWRC also welcomes the work with further and higher education institutions. As part of this, we would recommend that, as with employers, there be clear requirements with regard to the actions an institution are obliged to undertake should an allegation of violence be made. These might include immediate steps to protect the safety of the survivor lead by her needs, information on what investigations must be carried out, and critically the steps institutions should take to support the survivor, for instance moving accommodation, counselling and support and support with the survivor's academic commitments.

Q. Please tell us about any priority 1 actions that you don't agree with.

A. We are concerned about the impact and effectiveness of engaging the Advisory Council to explore issues of gender inequality and violence against women without any clear outcomes, objectives or means to measure these. This mirrors concerns highlighted early in our response about the lack of pragmatic actions and overemphasis on the causal story.

Q. Are there any actions that you think are missing under priority 1?

A. Already mentioned.

Q. Do you have any suggestions for additional actions to focus on?

A. If there is to be such a strong emphasis on the causal story and the values, attitudes and stereotypes which are conducive to violence against women, then the accompanying actions must include more agencies across the voluntary and statutory sector and they must include measures that require accountability with respect to violence against women.

PRIORITY 2: Women and girls thrive as equal citizens: socially, culturally, economically and politically

Q. Do you agree or disagree that the actions listed under priority 2 are the right actions to help meet the objectives of priority 2?

A. Disagree

The focus of the actions within this remit are too broad, encompassing aims that are ambitious and - we are concerned - likely to be unachievable in any reasonable time frame. It is worth recognising the impact of inequality on gender based violence and vice versa, but there must be intermediate steps to address current issues and crises that are not contingent upon solving women's social, cultural, economic and political inequality.

Additionally, the injustices experienced by women socially, culturally, economically and politically are inextricably linked to their experiences of race, disability, gender identity and sexuality; this should be kept in mind throughout the strategy and considered with every action detailed.

By overemphasising the bigger picture of women's equality this priority becomes too broad and the strategy fails to create and develop achievable and measurable objectives that address violence against women and improve women and girls safety in Scotland today.

Q. Please tell us about any of the priority 2 actions that you are particularly supportive of.

A. We support noted enhancements of childcare, but it is critical that this is flexible to be inclusive of diverse working patterns and it must also offer provision out of school term time.

We are particularly supportive of split payments under Universal Credit. Given the prevalence of financial abuse in abusive relationships it is critical that any financial support offered by the government as part of social security is done so with an awareness of the dynamics of domestic abuse and that these payments are provided separately.

Q. Please tell us about any priority 2 actions that you don't agree with

A. We are clear that noted efforts and priorities to address inequality are important, however our feeling is that they are more suited to an equality strategy than one specifically focussing on violence against women. If we pursue equality objectives to address the causal story then

we have to query how these actions make women and children safer in the near future and we are concerned that this additional consideration is missing.

Q. Do you have any suggestions for additional actions to focus on?

A. As aforementioned we consider that there needs to be a much greater emphasis on safety and what can be done to improve women and children's safety in Scotland today. One such focus might be the Justice response to victim-survivors of violence and - with survivor consent - a presumption in favour of non-harassment orders.

We feel that the strategy would benefit from a greater focus on cultural and political actions that could be taken to address violence against women and the attitudes that enable it. In terms of cultural actions, this should include finding innovative means to highlight and celebrate the diverse and vital roles women have in the arts, media and society more generally, championing role models for young girls and women to aspire to. This should work in tandem with challenging and working to eliminate abusive and objectifying representations of women in mainstream society, including within pornography. More actions to address barriers to political and public involvement should be featured and included as part of the strategy, but this must include quantifiable measures to improve access - in particular to elected office - including genuinely family friendly working practices, finding new avenues to participation, employing mechanisms such as quotas and women only lists to address structural barriers, and particular consideration of the economic objectives and barriers, one such example being the poor remuneration for councillor salaries not compensating for loss of full time income.

Q. Are there any actions that you think are missing under priority 2?

A. The priority states women and girls will thrive as equal citizens: socially, culturally, economically and politically yet there are limited actions relating to culture or politics which would have a significant impact on priority one and two if these were to be included.

PRIORITY 3: Interventions are early and effective, preventing violence and maximising the safety and wellbeing of women, children and young people.

Q. Do you agree or disagree that the actions listed under priority 3 are the right actions to help meet the objectives of priority 3?

A. Disagree

The majority of the actions pointed within this priority are focussed on domestic abuse. Sexual crimes are addressed exclusively through forensic medical examinations and there is no mention of stalking, human trafficking, commercial sexual exploitation and honour based violence, all of which require an improved and robust response. The spectrum of violence against women is not represented.

Q. Please tell us about any of the priority 3 actions that you are particularly supportive of.

A. The Scottish Women's Rights Centre support the commitment to improve the experience of child witnesses and the use of pre-recorded evidence, the actions around forensic medical examinations, and the overdue implementation of minimum standards within a health setting and providing female examiners. We also support the inclusion and emphasis on trauma informed approaches.

However, steps are also urgently required to improve the experience of witnesses who are survivors of domestic abuse and sexual crimes. The use of pre-recorded evidence alone is unlikely to have the required impact. It is also important to consider the nature of questions many witnesses face in cross examination and training provided to fiscals and Sheriffs / judges dealing with these cases with regard to when it is appropriate to object to questions asked which are irrelevant. The Scottish Women's Rights Centre understand that it is rare for such objections to be made at present even where questions are asked which are wholly irrelevant to the crime in question and seem instead simply to attempt to attack the character of the witness.

The SWRC support also the commitment to ensure that waiting times for domestic abuse cases and sexual offences cases in solemn proceedings are in line with agreed targets – however, as well as improved waiting times, there should be steps taken to ensure that victims are provided with sufficient information about the case. While, they may not, in law, be seen as a party to the case, it has a significant impact on their life. They should be provided with information to allow them to understand (a) why cases do not proceed; (b) why cases are delayed and (c) where a verdict or sentence is appealed, why this has happened and what the timescale for that appeal being dealt with is likely to be.

We welcome the recognition and focus on specialisms across violence against women organisations and the action specifically on developing the Scottish Women's Rights Centre. Though we are still in the early stages of our development, we are identifying unmet legal need and significant issues around representation in relation to gender based violence in Scotland. Future development both geographically and in specialisms will enhance service provision and increase the knowledge base.

Q. Please tell us about any priority 3 actions that you don't agree with?

A. We would clearly agree that the healthcare response to violence against women must be improved, however, given the gendered framework of the Equally Safe strategy it is critical that any healthcare response is developed using a gendered analysis and is trauma informed. We would question whether a more appropriate approach may be to narrow the focus of the action or make explicit what forms of gender based violence it includes and employ joint working that includes specialist violence against women services.

Q. Are there any actions that you think are missing under priority 3?

A. More specific actions are required to make explicit expectations, obligations and improve accountability with respect to early and effective interventions. Actions that detail what is required of the health service, local authorities, housing departments, welfare agencies and

social services are necessary if we are to expect to see results and improvements, given the importance of these agencies in responding to violence against women.

There is no mention within priority three of commercial sexual exploitation, which we consider to be a significant gap. Local Authority licensing of lap dancing clubs and massage parlours undermines any commitment to addressing violence against women in a meaningful way. This reinforces our concern about the immediate safety of women and children in Scotland today, and what the strategy does to help and support them imminently.

Whilst the separation of the state and the judiciary is the bedrock of the justice process, there are measures that might be considered - such as training opportunities on gender based violence - that could aid significant improvements in justice responses to violence against women across the board, based on the substantial evidence available through specialist services.

There is an objective on providing effective, integrated services but no actions on this; how will integration be developed, achieved and measured? For example: there is an action on strengthening social work responses to domestic abuse - which could have a significant positive impact in cases where there is social work involvement in child contact cases and court orders - but this has no detail.

Q. Do you have any suggestions for additional actions to focus on?

A. The above.

We are increasingly concerned about the impact of the gulf between the civil and criminal justice processes on victims, and the disparity in victim's rights between the two systems. We would be keen to see greater unification of the processes to reduce trauma and improve the overall experience for victim-survivors of violence. For example: a woman who has reported her ex-partner for domestic abuse could have her child contact case heard by the same Sheriff. Women do not separate their experiences of gender based violence into criminal or civil matters. Were there less of a gulf between the systems, a woman who has reported her ex-partner for domestic abuse may also have her child contact case heard by the same Sheriff. This would bridge the gap between these systems, ease their trauma and ensure the Sheriff hearing the case would have more information with which to make their decision.

We would also like to see a commitment to introducing protections within the civil justice system for example a bar on direct cross examination in rape/stalking/domestic abuse cases and a guarantee of anonymity.

As aforementioned, the Scottish Women's Rights Centre believe the Equally Safe delivery plan requires a greater emphasis on women's and children's safety. With this in mind, an additional action to include would be a presumption in favour of non-harassment orders - where there is a violence against women conviction - with the option for the victims to decline.

In situations where there has been domestic abuse, there should be a presumption against contact with a perpetrator if domestic abuse is proven on a balance of probabilities, so that

contact occurs only where the perpetrator can prove that that contact is in the best interest of the child. There should be some measure against which this decision is made that considers ongoing risk to child and mum, history of harassment and the views of the children being sought and respected. Child welfare reporters and curators ad litem should work from a trauma informed approach based on comprehensive gender based violence and trauma training.

The adversarial nature of civil proceedings for women who are the survivors of domestic abuse/sexual violence should be considered. The process of obtaining an NHO or dealing with child contact often allows perpetrator to continue to abuse that woman through the court process. We would question whether an adversarial civil court system is the best forum to make decisions about these types of issues.

PRIORITY 4: Men desist from all forms of violence against women and girls and perpetrators of such violence receive a robust and effective

Q. Do you agree or disagree that the actions listed under priority 4 are the right actions to help meet the objectives of priority 4?

A. Disagree

The Scottish Women's Rights Centre agree with the objectives however we feel that the actions are limited in scope and consequentially impact; for example it is not clear how the objective of links being made between women and children's experience of the civil and criminal process is addressed.

With respect to early identification of perpetrators, more sophisticated actions are required including the use of intel, moorov type cases, and taking code of conduct crimes such as stalking seriously. There are evidently implications for policing as well as prosecution, but these are not sufficiently detailed within the strategy.

Q. Please tell us about any of the priority 4 actions that you are particularly supportive of.

A. The Scottish Women's Rights Centre welcome the introduction of the Domestic Abuse Bill as an opportunity to bridge the gulf between women's experiences of domestic abuse and coercive control and the tools the Scottish Criminal Justice System has to deal with it.

We are supportive of the perpetrator programmes as there needs to be a focus on their behaviour. Where measures are in place but are breached e.g. bail conditions or parole conditions, this must be considered with recognition of a code of conduct and this must link to sentencing. Furthermore the length and type of sentence served should be considered; if perpetrators are serving sentences of less than 6 months then this is not sufficient time for them to address their offending and underlying attitudes.

Q. Please tell us about any priority 4 actions that you don't agree with

The action to encourage victims of gender based violence to report to the police is being addressed only in relation to the domestic abuse communications plan thus it neglects the

continuum of violence against women and the many different ways it manifests. What actions and resources are being taken to address, encourage and support victims of other forms of violence such as honour based violence, sexual crimes, stalking and forced marriage?

Q. Are there any actions that you think are missing under priority 4?

A. A review of sentencing and impact on prison programmes / parole conditions is missing, including the subsequent effectiveness in terms of managing offenders and risk in the community.

Q. Do you agree or disagree that the actions listed as cross cutting are the right actions to help meet the overall objectives of the delivery plan?

A. We support the Government's commitment to holding events, engaging with stakeholders, taking forward programmes and commissioning research, however we are concerned that these are insufficient to affect the required change and - though worthwhile - they are not a commitment to tackle the form of gender based violence they relate to.

Q. Please tell us about any of the cross cutting actions that you are particularly supportive of.

A. Commitment to setting out what Scotland will do to implement the Istanbul Convention and the focus on a Human Rights approach.

Q. Please tell us about any cross cutting actions that you don't agree with.

Q. Are there any cross cutting actions that you think are missing?

A. As mentioned.

Q. Do you have any suggestions for additional actions to focus on?

A. As mentioned.

Q. Do you agree or disagree that the draft performance framework is right to help ensure that we understand the progress we are making?

A. Neither agree or disagree

Q. Please tell us about any sections of the draft performance framework that you are supportive of

A. The use of short, medium and long term outcomes is helpful in theory, however the actual outcomes and indicators are so broad that it is difficult to know how you will measure their success. For example, how will we know if people have an increased understanding of violence against women to then assess if their tolerance of this violence has changed in any way?

There is a positive emphasis in women and children experiencing gender based violence being identified early and likewise for perpetrators to be identified early – however we would purport that the measurement of 'proportion reporting to the police within 12 months of experiencing a type of gender based violence' seems somewhat crude as an indicator.

Many women never report, or report only when it becomes unbearable. Support services will often have contact with women who do not report and will be safety planning and

providing support should they decide to leave – these women will not be counted in this measurement. To witness an increase in convictions as detailed in the indicators, there would need to be transformative change in the prosecution of gender based violence, rather than simply an earlier reporting.

Q. Is there anything you think is missing?

A. We consider that each action should have a range of indicators to measure the impact and improve accountability.

Q. Do you have any suggestions for additions to the draft performance framework?

Q. What role could your organisation have in contributing to this delivery plan?

A. The Scottish Women's Rights Centre is well placed to be offering legal info, case work and representation to women survivors of gender based violence, to identify unmet legal need and to improve women's experience of the justice process. Our Human Rights approach fits well with the cross cutting actions detailed in the draft delivery plan. Strategic cases informed by such an approach will highlight and challenge women's experiences within the civil or criminal justice processes where they struggle to exercise their rights.

Q. In responding to this consultation, how are you drawing on the experiences and views of the women, children and young people who access your organisation?

A. Our response is informed by our experience of working with women survivors of gender based violence, based on the issues they raise with us and the feedback they provide and by partnership working with other agencies working in this field.

Q. Do you have any further comments on the delivery plan?

A. No