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**The Information Centre**  
An t-Ionad Fiosrachaidh

## **Social Justice and Social Security Committee**

### **9th Meeting, 2022 (Session 6), Thursday, 3 March**

## **Violence against women and girls (VAWG)**

### **Introduction**

The Committee's evidence session on 3 March 2022 will focus on Violence against Women and Girls (VAWG).

A key issue that is not easy to resolve, given the global nature of the problem, is the matter of preventing violence against women and girls. The Scottish Government has had a strategy in place for five years with the aim of preventing violence against women and girls.

VAWG has been high on the political agenda because of some very high profile cases of violence against women. There is also evidence that the risks to women and children affected by violence and abuse increased during the pandemic.

Towards the end of last year there were three parliamentary debates held over the [16 days of activism against gender-based violence](#):

- [25 November 2021](#) – SG debate on International day of elimination of violence against women
- [30 November 2021](#) - SG debate on Justice and gender-based violence
- [7 December 2021](#) – Members' debate on gender-based violence.

Broadly, the contributions in the debates focused on the need to prevent violence against women, and the funding of support services.

The Committee will hear from:

### Panel 1

- Marsha Scott, CEO, Scottish Women's Aid
- Eilidh Dickson, Policy and Parliamentary Manager, Engender
- Davy Thompson, Campaign Director, White Ribbon Scotland
- Laura Tomson, Co-Director, Zero Tolerance

### Panel 2

- Carolyn Fox McKay, Head of Operations, Girlguiding Scotland
- Mariam Ahmed, CEO, Amina Muslim Women's Resource Centre
- Alison Davis, CEO, Sahelyia
- Tumay Forster, Outreach Service Team Leader, Shakti Women's Aid

### Written submissions have been received from:

- Zero Tolerance
- White Ribbon Scotland
- Close the Gap
- AMINA - The Muslim Women's Resource Centre
- Girlguiding Scotland
- Scottish Commission for People with Learning Disabilities (SCLD)
- Engender (there was insufficient time to incorporate this submission into this briefing. The full submission from Engender is available at paper 2)
- Shakti Women's Aid (there was insufficient time to incorporate this submission into the briefing. The full submission from Shakti Women's Aid is available at paper 7)

## Theme 1: Background and context

### Definition of violence against women and girls

The Scottish Government's [Equally Safe strategy](#) (April 2018) definition of Violence against women and girls encompasses (but is not limited to):

- physical, sexual and psychological violence occurring in the family (including children and young people), within the general community or in institutions, including domestic abuse, rape, and incest;
- sexual harassment, bullying and intimidation in any public or private space, including work;
- commercial sexual exploitation, including prostitution, lap dancing, stripping, pornography and trafficking;

- child sexual abuse, including familial sexual abuse, child sexual exploitation and online abuse;
- so called 'honour based' violence, including dowry related violence, female genital mutilation, forced and child marriages, and 'honour' crimes.

Submissions from Close the Gap and Zero Tolerance refer to the need to tackle gender inequality more widely to prevent and eradicate VAWG.

Submissions from SCLD and AMINA have also highlighted that there are specific risks and barriers to support for disabled women and minority ethnic women. Close the Gap also referred to the experiences of single parents, lesbian, bisexual and trans women, young women and older women.

## Criminal offences and the civil law

Recent legislation creating, or reforming, relevant criminal offences in respect of VAWG includes the:

- [Sexual Offences \(Scotland\) Act 2009](#) – consolidating much of the existing law on sexual offences as well as seeking to reform and clarify important areas
- [Abusive Behaviour and Sexual Harm \(Scotland\) Act 2016](#) – creating a new offence dealing with non-consensual sharing of intimate images (image-based sexual abuse or 'revenge porn')

Cases of domestic abuse can be prosecuted in the criminal courts using a range of offences. These include more general offences such as common law assault and the offence of threatening or abusive behaviour set out in section 38 of the [Criminal Justice and Licensing \(Scotland\) Act 2010](#).

The [Domestic Abuse \(Scotland\) Act 2018](#) added to these a specific offence of domestic abuse with the aim of improving the prosecution of cases involving controlling and coercive behaviour which is emotionally or psychologically abusive.

VAWG is also an issue addressed by the **separate civil law system**, where people at risk (and sometimes public bodies) can apply to the civil courts for a range of court orders aimed at **protection from harm**. This topic is discussed in more detail later in the briefing under 'Civil Protection Orders'.

## Statistics on violence against women

From [Domestic abuse: statistics recorded by the Police in Scotland - 2020/21](#) (Scottish Government, Nov 2021)

- The police recorded 65,251 **incidents of domestic abuse** in 2020-21, an increase of 4% compared to the previous year. This is the fifth year in a row this figure has shown an increase.
- Where gender information was recorded:

- four-in-five (80%) incidents of domestic abuse in 2020-21 involved a female victim and a male accused. This decreased slightly from 82% in 2019-20.
- 16% of domestic abuse incidents involved a male victim and a female accused (where gender information was recorded). This increased slightly from 15% in 2019-20.
- In 2020-21, 40% of incidents of domestic abuse recorded by the police in Scotland included the recording of at least one crime or offence:
  - The most frequently recorded crime or offence as part of a domestic abuse incident was Common assault (32%), followed by Breach of the peace (23%)
  - Following its enactment on 1 April 2019, crimes recorded under the Domestic Abuse (Scotland) Act 2018 accounted for 4% of crimes and offences recorded as part of a domestic abuse incident.

From [Domestic abuse and stalking charges](#) (COPFS, Sept 2021)

- There were 33,425 **charges reported** in 2020-21 which were related to domestic abuse. This is the highest number reported since 2015-16 and is 9% higher than the previous year.
- The **vast majority of charges identified as relating to domestic abuse are prosecuted**. An initial decision was made to proceed to court with 92% of charges in 2020-21, compared to 85% in 2013-14.
- The most common types of offences reported in 2020-2, and identified as domestic abuse, were breach of the peace type offences (31%, includes threatening and abusive behaviour and stalking offences), common assault (25%), and crimes against public justice (22%, includes bail offences).
- The Domestic Abuse (Scotland) Act 2018 created a new offence of engaging in a course of behaviour which is abuse of a partner or ex-partner. In 2020-21, 1,581 charges were reported under this Act, accounting for 4.7% of all domestic abuse charges reported; 95% of charges were prosecuted.
- In 2020-21, 1,045 stalking charges under section 39 of the Criminal Justice and Licensing (Scotland) Act 2010 were reported to COPFS. Of these, 592 (57%) were identified as domestic abuse.

From [Recorded crime in Scotland, 2020-21](#) (Scottish Government, Sept 2021)

- **Sexual crimes account for 5% of all crimes recorded in Scotland in 2020-21**. The number of sexual crimes recorded by the police in Scotland decreased by 2% from 13,364 in 2019-20 to 13,131 in 2020-21.
- However, prior to the small decrease in 2019-20, there had been increases each year since 2008-09.

- At least 39% of the 13,131 sexual crimes recorded in 2020-21 by the police related to a victim under the age of 18.
- Sexual crimes for 2020-21 are broken down as:
  - Sexual assault – 32%
  - Rape and attempted rape – 18%
  - Crimes associated with prostitution – less than 1%
  - Other sexual crimes – 50% (includes crimes such as Communicating indecently; Taking, possessing and distributing indecent photos of children; Sexual exposure, Public indecency and Causing to view sexual images or activity.)

The sexual crimes data does not show whether the victim/perpetrator is male or female.

Statistics from the [Criminal Proceedings in Scotland, 2019-2020](#) (Scottish Government, May 2021), show the number of males and females convicted of specific crimes. It does not report the sex of the victim.

| <b>Crime</b>                         | <b>Males convicted</b> | <b>Females convicted</b> |
|--------------------------------------|------------------------|--------------------------|
| <b>Non-sexual crimes of violence</b> |                        |                          |
| Homicide                             | 76                     | 5                        |
| Attempted murder and serious assault | 1,200                  | 98                       |
| Robbery                              | 350                    | 60                       |
| Other non-sexual crimes of violence  | 80                     | 67                       |
| Domestic Abuse (Scotland) Act        | 202                    | 4                        |
| <b>Sexual crimes</b>                 | <b>1,174</b>           | <b>30</b>                |
| Rape and attempted rape              | 130                    |                          |
| Sexual assault                       | 302                    | 3                        |
| Crimes associated with prostitution  | 39                     | 6                        |

|                     |       |       |
|---------------------|-------|-------|
| Other sexual crimes | 703   | 21    |
| <b>Other crimes</b> |       |       |
| Common assault      | 6,613 | 1,688 |
| Breach of the peace | 9,840 | 1,609 |

Source: Table 6: People convicted by main crime/offence and age, 2019-20

Some of the submissions provided additional statistics via surveys:

- Of young women aged 13-25, 37% said that they knew of another girl their age who had experienced rape or sexual assault; 84% said they had learned little to nothing about sexual harassment or abuse, or how to protect themselves from it (Girlguiding Scotland survey, 2018)
- Of young women aged 16-21, 37% say they are stared at and received unwanted attention when they go outside; 56% feel worried when they're outside and its dark; and, 53% said more should be done so that girls and young women feel safe in their local area. (Girlguiding Scotland survey, 2020)
- Reference is made to global rates of gender-based violence which show that 90% of women with learning disabilities have been subjected to sexual abuse, with 68% experiencing sexual abuse before turning 18. (SCLD)
- A small-scale study in Glasgow showed that 73% of the 62 participating disabled women had experienced domestic abuse, and 43% had been sexually assaulted. (SCLD)
- In year ending March 2019, disabled women were twice as likely to have experienced domestic abuse than non-disabled women (an [ONS report](#) for England and Wales, 2019, cited by Zero Tolerance)
- In three years ending March 2018, disabled women were almost twice as likely to have experienced any sexual assault in the last year as non-disabled women (an [ONS report](#) for England and Wales, 2019, cited by Zero Tolerance)

Zero Tolerance referred to comments made by Mariam Ahmed of AMINA, at a recent Cross Party Group on Men's Violence against Women and Children, that there is a dearth of data in Scotland about the experiences of minority ethnic women who experience violence.

SCLD said that despite their awareness of issues facing women with learning disabilities in Scotland, they do not have robust data on women with learning disabilities experiencing forms of gender-based violence.

Zero Tolerance said that evidence and data for different forms of VAWG, as well as for different groups of women, is highly variable and in many cases completely lacking.

## Scottish Government policy

[Equally Safe](#) is the Scottish Government's strategy for preventing and eradicating violence against women and girls. Its [delivery plan](#) was published in 2017, and a [final report](#) was published in November 2020. The Cabinet Secretary for Social Justice, Housing and Local Government said the strategy would be reviewed during 2022 (see [debate on International day for the elimination of violence against women](#), 25 November 2021)

The Scottish Government conducted a [consultation on how to challenge men's demand for prostitution](#) (Sept – Dec 2020). The [consultation analysis](#) and [Scottish Government response](#) were published on 16 June 2021. The Scottish Government will now consider how aspects of international approaches which seek to challenge men's demand for prostitution would best be applied in Scotland. This will include listening to those with lived experience.

The [Working Group on Misogyny and Criminal Justice in Scotland](#) was set up to consider how the Scottish criminal justice system deals with misogyny. This includes looking at whether there are gaps in the law that could be addressed by a specific criminal offence to tackle such behaviour.

The group will also consider whether a statutory aggravation and/or a stirring up of hatred offence in relation to the characteristic of sex should be added to the Hate Crime and Public Order (Scotland) legislation by regulation at a future date. It held its first meeting on 12 February 2021, and has to report its findings to the Scottish Government within 12 months. The Group's [most recent meeting was on 4 February 2022](#).

The Scottish Government is also proposing to [introduce a Scottish Human Rights Bill](#) that will incorporate four international human rights treaties, including the [Convention on the Elimination of All Forms of Discrimination against Women](#) (CEDAW).

Recent Scottish Government actions to address VAWG:

- Within the first 100 days of the Government, allocation of new funding of [£5 million to Rape Crisis centres and domestic abuse services](#) to help to cut waiting lists and to ensure that those affected can access the support that they need more quickly.
- The [Programme for Government](#) set out a £100 million three year commitment to support frontline services and focus on prevention of violence against women and girls from school onward. This includes £19 million for the Delivering Equally Safe Fund each year.

The SCLD also said in its submission that it is working with People First (Scotland) and the Scottish Government to facilitate a National Advisory Group on Gender-Based Violence and Learning Disabilities. "The group includes members from a range of key stakeholders such as Public Health Scotland, Safe Lives, Scottish Learning Disabilities Observatory and many others from across the fields of service provision, health, and policy."



In 2021 this advisory group developed an action plan informed by lived experience and grounded in research, monitoring and evaluation. Key areas of action in this plan include:

- People with learning disabilities are empowered to have safe and healthy relationships
- People with learning disabilities have equitable access to protection and support when they have experienced gender-based violence.

## Impact of pandemic

The Scottish Government listed rising domestic and sexual abuse against women and children, as one of the ten key risks to progressing national outcomes as a result of the pandemic ([Equality and Fairer Scotland Budget Statement 2021-22](#), 2021).

This was based on evidence that showed an increase in the reporting of domestic abuse incidents, and that referral rates of domestic abuse or other forms of violence against women and girls reduced significantly during the initial weeks of lockdown, and then gradually increased during later stages, and out of the crisis. For example, see the Scottish Government's evidence on [domestic abuse and other forms of violence against women and girls during Phase 3 of Scotland's route map](#) (Nov 2020).

Zero Tolerance described the [negative impact of Covid-19 on women's safety, and specific impacts on marginalised women](#).

Close the Gap's submission said that the pandemic intensified women's experiences of VAW, especially during long periods of lockdown, as reductions in services, protracted homeworking and self-isolation and social distancing measures created extra risks for women. It also made it more difficult to access support networks and support services.

AMINA's submission described how they experienced an increased demand for their services, especially from women experiencing domestic abuse.

"Through our helpline we were supporting more cases than we could manage at times. The cases during the pandemic restrictions especially, were more complex in nature and harder to support with such limited resources."

Organisations provided specific support and advice during the pandemic, for example:

Scottish Women's Aid – [Covid-19 and what it means for women, children and young people experiencing domestic abuse](#)

The [Scottish Women's Rights Centre](#) (part of JustRight Scotland), provided information on [support available to women experiencing abuse](#).



## Civil law and VAWG

This section of the briefing looks in more detail at the role played by the civil law system, which is separate from the criminal justice system.

With criminal offences, the [Crown Office and Procurator Fiscal Service](#) (COPFS) makes decisions about whether to prosecute someone for a particular criminal offence, based on sources of information such as reports from the police.

A key point is that there is no equivalent of COPFS for the civil law system and often it is the person at risk who must initiate court proceedings.

## Civil protection orders

Under the civil law, it is possible for a court to grant a court order aiming to **protect someone from harm**, such as domestic abuse or harassment.

There are different types of order and they are sometimes referred to collectively as **civil protection orders** or **protective orders**. Individual types include, for example, [non-harassment orders](#), [interdicts](#) (including domestic abuse interdicts) and [exclusion orders](#).

Civil protection orders can relate to the perpetrator's contact with the person at risk (and the person at risk's children). Certain types of order can also exclude a perpetrator from the person at risk's home, even if the perpetrator owns or occupies that home with the person at risk.

The court will make a civil protection order if satisfied 'on the balance of probabilities' this is appropriate (i.e. the standard which applies in civil cases). The matter does not have to be proved 'beyond reasonable doubt' (i.e. the standard which usually applies in criminal cases).

Part 1 of the [Domestic Abuse \(Protection\) \(Scotland\) Act 2021](#) (**not yet in force**) introduced two new types of **short-term** civil protection order, the Domestic Abuse Protection Notice (DAPN) and the Domestic Abuse Protection Order (DAPO).

Civil protection orders often must be applied for through the courts by the person at risk. Accordingly, there are **potential legal costs**, unless the person qualifies to have all of their costs met out of the legal aid budget. (On legal aid, see later in the briefing). However, a key policy innovation of the 2021 Act is that **the police** will be able to grant a DAPN and apply to the court for a DAPO.

On the other hand, a DAPO will only be able to last for **up to three months**, so it may have to be replaced by a longer-term civil protection order, with potential legal costs for the person at risk associated with that.

Note that most civil protection orders can only be granted by **the civil courts**, usually the local sheriff courts acting in that capacity. However, a [non-harassment order](#) can be granted by a criminal court at the end of a criminal case.

The other key area in which the system of civil protection orders overlaps with the criminal justice system is that **breach of a civil protection order** can be a criminal offence. In this context, a breach of a civil protection order typically gives the police powers to arrest a perpetrator without a warrant from the court.

In the context of the Bill that became the 2021 Act, [the Scottish Government consulted in 2018 on a statutory duty to refer a person at risk to support services](#) when a short-term civil protection order was made or was being contemplated. However, the Government did **not** include this proposal in its Bill as introduced.

Several European jurisdictions (but not England and Wales) introduced (short-term) civil protection orders with **state-funded domestic abuse support services** [in the equivalent legislation to the 2021 Act](#). In some countries, including Austria, the Netherlands and the Czech Republic, **referral to these services is mandatory** if a short-term order is made.

## Family law and abuse

Abuse is also relevant in the context of **disputes between parents about the care of children**, disputes of the type which can arise after a couple separate or divorce.

The [Children \(Scotland\) Act 1995](#) ('the 1995 Act') sets out the legal framework here and empowers the courts to make a range of orders to resolve such disputes. The [Family Law \(Scotland\) Act 2006](#) amended the 1995 Act to encourage the courts to consider **abuse (or a risk of abuse)** when making court orders. Abuse includes abuse of a child (an under 16 in this context) but also domestic abuse of a parent.

Most recently, the [Children \(Scotland\) Act 2020](#) (not yet in force) aims to strengthen the protections under the 1995 Act for families affected by domestic abuse. For example, the Act (at sections 10-12) enables the Scottish Government to regulate child contact centres, although this will require secondary legislation.

Child contact centres are neutral venues, run by the voluntary sector, where parents can meet with children with whom they do not live. Families can be referred to these centres under a court order, as well as via other routes (for example, via a social work department).

The lack of statutory regulation of the centres (from a safety perspective) has been a matter of some policy controversy. See, for example, [this high-profile petition raised by a victim of domestic abuse](#), which was considered by the Parliament between 2017 and 2019.

## The role of the legal aid system

Legal aid is available for people on low to moderate incomes to receive legal advice on their case and get legal representation by a lawyer in court. Solicitors who carry out legal aid work are paid a fee, set in legislation, for their work.

Legal aid is funded by the Scottish Government and administered by the [Scottish Legal Aid Board](#) (SLAB). The current system relies heavily on the willingness of solicitors in private practice to take on legal aid cases. There are tensions in relation to rates of pay and working hours. The availability of solicitors in rural, remote and island communities can be problematic.

There is a range of different types of legal aid available and these types differ between civil and criminal cases. Each individual type of legal aid has its own specific criteria in relation to financial eligibility and the reasonableness of granting assistance.

A significant proportion of the population can qualify for legal aid. However, in some circumstances, although they qualify, people are required to contribute from their own income towards the costs of the legal services they receive. This contribution increases as income increases.

[For certain situations under the criminal justice system, there is something known as 'automatic legal aid'](#), meaning that there are no means or merits tests before it is granted. There is no equivalent of automatic legal aid under the civil law system and, although the Scottish Government does not intend to change that policy, [this has been an issue which has previously been raised in the context of civil protection orders](#). For example, [when the Scottish Government consulted on the Bill which became the 2021 Act](#), the importance of free legal advice and representation in relation to civil protection orders was a frequently raised issue.

More information about the legal aid system can be found in two recent SPICe briefings:

- [Legal Aid – how it works](#)
- [Legal Aid – policy issues](#)

## **The work of other parliamentary committees in Session 6**

The Criminal Justice Committee and the Equalities, Human Rights and Civil Justice Committee have ongoing or potential future work relating to VAWG.

### **The Criminal Justice Committee – violence against women and girls/legal aid**

The Criminal Justice Committee is actively engaged in looking at the role of the criminal justice system in tackling VAWG.

In September 2021, the Committee held a [roundtable evidence session on domestic abuse, gendered-violence and sexual offences](#), taking evidence from: the Crown Office and Procurator Fiscal Service; the Faculty of Advocates; the Muslim Women's Resource Centre; Police Scotland; Rape Crisis Scotland; Scottish Women's Aid; and two academics from the University of Glasgow.

The Committee has also heard, in private, from women who have experienced sexual offending and domestic abuse.

The Committee took further evidence on this area, at meetings on 8 and 15 December, from: the Lord Advocate; Scottish Courts and Tribunals Service; Police Scotland; and the Cabinet Secretary for Justice.

Issues which have been covered in the above work include:

- victim experience of the criminal justice system and support for victims
- the investigation and prosecution of offences (including the report of a [review on improving the management of sexual offence cases](#))
- the work of the [Misogyny and Criminal Justice in Scotland Working Group](#)
- the impact of Covid-19

The Criminal Justice Committee also [held a roundtable with legal aid stakeholders on 29 September 2021](#). The focus was on the delivery of legally-aid work in criminal cases, and reform proposals.

The Committee published a report – [Judged on progress: the need for urgent delivery on Scottish justice sector reforms](#) – covering its work so far in these (and other) areas in January 2022. It is anticipated that it will continue to scrutinise relevant issues.

## **The Equalities, Human Rights and Civil Justice Committee – the Children (Scotland) Act 2020**

As noted earlier, the [Children \(Scotland\) Act 2020](#) (**not yet in force**) has, as one key policy aim, strengthening the protections available to families affected by domestic abuse. The 2020 Act would apply when parents are in dispute with each other over the care of their children and may be involved in associated court proceedings.

Several key parts of the 2020 Act will require substantial secondary legislation to bring them into force. One example is the provisions relating to the **statutory regulation of child contact centres**, where the Scottish Government has told SPICe it hopes to lay the relevant instruments **before the end of 2022**.

The Equalities, Human Rights and Civil Justice (EHRJC) Committee is likely to be appointed lead committee in the consideration of any secondary legislation associated with the implementation of the 2020 Act.

## **The Equalities, Human Rights and Civil Justice Committee – other work on family law**

Separately, the EHRJC Committee held a roundtable on the law applicable to parenting disputes on **Tuesday 22 February**, with witnesses including [Scottish Women's Aid](#).

How well this law protects families affected by domestic abuse was one theme explored by the roundtable. Another was whether a) the court system for family cases; and b) the system of child contact centres can, of themselves, be used by an abuser to continue coercive control of a victim. The roundtable also touched on access to justice through the legal aid system.

The Committee will undertake some further follow up work on parenting disputes. This is likely to have a particular focus on how children's views are currently heard, and taken into account, in decisions affecting children.

## **Implementation of the Domestic Abuse (Protection) (Scotland) Act 2021**

As noted above, the [Domestic Abuse \(Protection\) \(Scotland\) Act 2021](#) (**not yet in force**) was another important piece of legislation, with Part 1 introducing two new types of **civil protection order**.

Part 1 will require significant secondary legislation to bring it into force and at this stage there is no published timescale from the Scottish Government on implementation.

As civil protection orders are part of the civil law system, the **EHRCJ Committee** may have the lead role in scrutinising the relevant secondary legislation when it does arrive. However, the legislation also impacts on the criminal justice system, as the police will also have a key role in relation to the new civil protection orders. Accordingly, it may be the **Criminal Justice Committee** which leads on any secondary legislation associated with implementation.

## **The scope for this Committee to explore legal issues**

With two large-scale pieces of unimplemented primary legislation, i.e., the 2020 Act and the 2021 Act, careful consideration would have to be given to how timely it would be for the Committee to explore in any depth at this stage:

- how well family law and practice protects families affected by domestic abuse; or
- the effectiveness of the system of civil protection orders overall.

Possible legal issues for this Committee to explore might be:

- an idea not taken forward by the Bill which became the 2021 Act, namely the extent to which there should be **a statutory duty to refer a person at risk to support services** in cases relating to civil protection orders
- **issues associated with obtaining legal advice and representation** in cases relating to civil protection orders.

**On Theme 1, Members may wish to ask the witnesses:**

1. **Statistics on VAWG** – it has been suggested that some of the data is lacking, especially in terms of the different forms of VAWG, and on how it impacts different women, for example disabled women and minority ethnic women. What data do we need to better support women who have experienced gender-based violence/abuse?
2. **Equally Safe** – the Scottish Government’s strategy for preventing violence against women and girls has been in place for five years and is being refreshed. What has the strategy achieved, and what needs to change in a future strategy?
3. **Pandemic** – the pandemic, and particularly the lockdowns and social distancing measures, had an impact on the rate of domestic abuse. This also affected access to a range of support. Are there ongoing impacts from that period and are there lessons to be learned that could improve the situation if similar restrictions are applied again in the future?
4. **Statutory duty to refer to support services** - when the Scottish Government consulted on the Bill which became the Domestic Abuse (Protection)(Scotland) Act 2021, the Government considered introducing a statutory duty to refer people at risk to support services, when the police were contemplating the protective notice and court order created by the legislation. Ultimately, this duty to refer didn’t form part of the legislation – what is your view of that policy decision?
5. **Resources and a statutory duty** - Do you think a statutory duty to refer in the context of 2021 Act would be successful the way support services are resourced at present, or would additional funding be required to make any such statutory duty work in practice? **[if not covered by Q4 above]**
6. **Legal advice and representation** – The 2021 Act provides for short-term protective measures. However, for long-term safety, it may be necessary for the person at risk to apply to the court for further protective court orders. How easy it for women in vulnerable situations to access legal advice and representation on their case at present? Is it affordable under the current legal aid system? It is accessible in all parts of the country?
7. **Free at the point of use** – in several policy contexts, it has been argued that legal advice and representation which is free at the point of use (in all circumstances) is what is required to support the long-term safety of vulnerable individuals and families through the civil court system. Would you like to offer a view on the merits of that suggestion?

## Theme 2: Prevention

As set out above, the Equally Safe strategy is focused on prevention, and the Scottish Government has committed £100m over three years to support frontline services and focus on prevention of VAWG.

Given the rise in domestic abuse over the course of the pandemic, and the increase in sexual assaults over a longer period, consideration should be given to the most effective preventative approaches.

The **Scottish Government published research** on [Preventing violence against women and girls - what works](#), in December 2020. It considered the international evidence on what works to prevent VAWG before it happens and assessed the effectiveness of primary prevention interventions. It found that:

- There is strong evidence that interventions focused on modifying unsafe physical school environments are effective in preventing VAWG
- There is strong evidence to suggest that bystander programmes that encourage prosocial behaviours among peers are promising in preventing VAWG
- There is evidence that school-based programmes which seek to prevent violence in dating and intimate partner relationships (through developing life skills, improving knowledge of abuse, and challenging social norms and gender stereotypes that increase the risk of violence) are promising
- There is mixed evidence about the effectiveness of education as a sexual violence prevention strategy in higher education

Due to a limited body of research it was not possible to draw reliable conclusions on the effectiveness of: awareness campaigns; domestic abuse disclosure schemes; honour-based violence (HBV) interventions; interventions to prevent FGM.

The report recognises that the experience of potential victims-survivors, and the effectiveness of prevention-focused interventions, may vary greatly, and be dependent on their protected characteristics, identity, and access to resources. **“Overall, there is limited evidence of what works for different populations.”**

The **House of Commons Women and Equalities Committee** is conducting an [inquiry ‘Preventing Violence against Women and Girls’](#). It was [launched](#) on 5 November 2021. The Committee’s work will begin with a literature review of existing evidence submitted as part of the Government’s consultation for its July 2021 [Tackling violence against women and girls strategy](#), as well as written and oral evidence gathered by the Home Affairs Select Committee as part of its inquiry [Violence against women and girls](#).

Once the review is published, the inquiry will identify areas for further scrutiny and gather further evidence, beginning oral evidence sessions in Spring 2022.



Both the Scottish Government research, and Women and Equalities Committee, refer to the World Health Organisation's [seven strategies for preventing VAWG](#) (2019). The WHO stated that:

“Successful prevention requires political commitment and leadership; implementing laws and policies that promote gender equality; investing in women’s organisations; and allocating resources to prevention. It also requires addressing the multiple forms of discrimination faced by women.”

Zero Tolerance has a [Primary Prevention Briefing](#). This lists five actions to address VAWG:

- challenge the condoning of violence against women;
- promote women’s independence and decision-making in public life and relationships;
- foster positive personal identities and challenge gender stereotypes and roles;
- strengthen positive, equal and respectful relations between and among women and men, girls and boys;
- promote and normalise gender equality in public and private life.

The Zero Tolerance submission refers to the research of The Collective (commissioned by the Scottish Government), [‘We need to do things differently’](#) (March 2021). “The report provides ground-breaking insight into what is most needed to tackle the harmful social, cultural and gendered norms that fuel the root cause of violence against women - gender inequality.” The approach set out by the Collective was also endorsed by White Ribbon Scotland in its submission, in particular that:

- Single one-off interventions do not work on their own
- An individual’s actions are impacted by the actions of teachers, family members, friends or other community members around them
- Projects need to be tailored and include working with multiple stakeholders e.g. on the ground community projects
- Approaches at community level to encourage modelling of desired behaviours are considered effective
- Material and social benefits support attitude and behaviour change
- Communication campaigns need to be accessible, relatable and positive
- Centre the experiences of women
- Relationship building is central to sustainability.

White Ribbon Scotland's submission talks about the **need to involve men and boys in prevention of VAWG**. It works with men at community level:

"...we take the opportunity to train diverse groups of local volunteers to reach out to men in their community. This approach creates role models within the communities rather than simply delivering a workshop; local role models including parents, family members, neighbours, friends, sport coaches, peers and more, who can make a difference by understanding the affect they can have by speaking out against VAW, changing conversations, exemplifying active bystander interventions, showing respect, promoting gender equality, etc."

Girlguiding Scotland's submission focuses on the need for preventing VAWG in the **education setting**:

"We know sadly, that many girls and young women first start experiencing harassment and violence within school. Therefore, we believe that preventing violence against women and girls needs to start within education and childcare settings/ all children from a young age, without this we don't think that the issue of violence against women and girls will be solved."

They argue that a **huge part of prevention comes from women and girls being able to share their experiences so that women feel more empowered to speak up at an earlier stage**, thereby preventing violence and control of women. "We believe that this can be done easily through sharing experiences and stories in a safe space, to all genders so that people can spot the signs of abuse or control and try to prevent it where possible."

As part of their ending sexual harassment in schools' campaign, they are calling for compulsory, high quality sex and relationships education which covers consent, online abuse, gender equality and healthy relationships. They argue that the **Relationship, Sexual Health and Parenthood Education (RSHP) within schools must be revised** to tailor to the changing state of society.

And further: "We also **call on the Scottish Government to ensure that all schools have a legal duty to prevent and tackle sexual harassment** and to be held accountable where they fail to act appropriately."

**SCLD also call for improved RSHP education for adults with learning disabilities** which they say currently uses a 'deficit-based response':

"This is highlighted in survey findings from care staff, which found that sex education was provided reactively, delivered in response to direct questions on sexual conduct or to individuals acting in a sexually inappropriate way."

SCLD calls for RSHP education for people with learning disabilities to begin at childhood and continue into adulthood.

AMINA's submission refers to measures aimed at supporting BME and Muslim women, related to **Honour Based Abuse and Forced Marriage**. These tend to focus on the protection of women primarily through shelter or legal support. While

these are necessary, they argue that **key to prevention is community-based work such as peer groups and awareness raising.**

“Many BME and Muslim community’s still have very rigid gender roles. Women who do not conform to these rigid gender roles face honour based abuse or domestic abuse through their partners and extended family. AMINA continue through our community training, webinars, men’s workshops and focus groups to help breakdown and challenge these gender roles and help communities realise the harm to women and girls by conforming to these roles. We help communities in speaking up to and challenging this abuse. Part of our prevention work going forward is to focus on Intergenerational Trauma with BME communities, which will work with women of all ages to breakdown the role of a women, where the harmful expectations can be passed down from generation to generation. We hope in enabling women to recognise the cycle of abuse, challenge and co-create new social norms to help prevent VAWG.”

AMINA have worked with Muslim and BME men, and they deliver a series of pre-marriage courses promoting positive gender roles within relationships.

Close the Gap’s submission focused on existing **gender inequalities in the labour market**, and the profound impact VAW has on women’s capacity to work. They said that victim-survivors are often targeted in and around the workplace.

“Women report experiencing trauma, stress, anxiety, and depression as a result of men’s violence and routinely struggle to find appropriate support in the workplace. VAW can also affect victim-survivors’ capacity to work with men, particularly in situations where there is an existing gender or power imbalance.”

Close the Gap also state:

“Domestic abuse is more likely to be found in households with a wider gap between male and female earnings. Women who have experienced domestic abuse, when asked which interventions would be most effective and helpful, list childcare, housing, income support, and education and skills above refuges.”

Perpetrators may restrict a woman’s ability to improve her economic position, making it more difficult for her to leave.

Close the Gap argue that VAW is generally not understand as a workplace concern, but that there is a clear business case for supporting victim-survivors at work and preventing VAW. This is because VAW can affect a woman’s ability to work effectively, or a woman may require time off to seek help from specialist support services. In response to this, Close the Gap delivers ‘Equally Safe at Work’, which they describe as an “innovative, world-leading employer accreditation programme”.

“Equally Safe at Work enables employers to develop improved gender-sensitive employment practice and prevent VAW. It was piloted with a small number of early adopter councils and in 2021 and four received bronze

accreditation. Due to the high level of interest in the pilot, a shadow group of councils was convened, with a further 20 councils participating.”

The evaluation of the Equally Safe at Work pilot found that the programme has been effective in engaging employers on VAW and gender equality, and has enabled positive changes to employment practice which contribute to the advancement of women’s equality.

Zero Tolerance has also developed guidelines for journalists and editors reporting on VAW, because media reports are where most people get their information about violence against women.

### On Theme 2, Members may wish to ask the witnesses:

8. **Approaches to prevention of VAWG** – there are a range of approaches to preventing VAWG, for example, in the setting such as the school, community or workplace, as well as focusing on different groups of women. What are the most effective approaches and what evidence is there to support that?
9. **Examples of prevention of VAWG** – several submissions provided examples of work they are undertaking to prevent VAWG. What approaches is your organisation taking to prevent VAWG and what impact it is having?
10. **Working with men in the prevention of VAWG** – several submissions refer to the need to work with men in the prevention of VAWG. Can you provide examples of working with men and boys to prevent VAWG?

## Theme 3: Front line support

### Support services and funding

The Scottish Government will undertake a strategic funding review of national and local specialist services for women and children experiencing gender-based violence. The Cabinet Secretary Cabinet Secretary for Social Justice, Housing and Local Government said:

“Our commitment is to undertake essential root-and-branch reform of front-line services to ensure the long-term sustainability of the sector. **Work around the review will be progressed during 2022.** I want to ensure that it is robust and that it delivers results that are transformational and can change lives. That is important work, and I can announce that I have decided not to chair that review and that the Scottish Government will not chair it; instead, that role will be given to an independent chair. We will finalise the details of the review and who will chair it in the new year.” ([25 November 2021](#))

As stated above, the Scottish Government has made a £100m three-year commitment to support frontline services and focus on prevention of violence against women and girls from school onward. This includes £19 million for the Delivering Equally Safe Fund each year.

This commitment was broadly welcomed in the submissions.

Zero Tolerance said:

“Women who experience violence or abuse must be able to access specialist support, safety and access to justice. The men who perpetrate violence must be held to account by our justice system. Services must be adequately and sustainably resourced to ensure this can happen.”

But they also said there is a need to look ‘further upstream’ to prevent those incidents from occurring in the first place. Focus needs to be placed on challenging attitudes, which can be achieved through appropriately targeted resource, not only for services, but also for prevention.

Zero Tolerance said:

“What is needed is a long-term investment in primary prevention. It needs a truly visionary approach; a 10-year strategy, not a 3 year work-plan. At the centre of that strategy must be the work to tackle gender inequality.”

Reference was made to the National Advisory Council for Women and Girls which worked for 3 years to identify what is needed to address gender inequality in Scotland.

“The work is now moving into the implementation stage. Implementing the recommendations of the NACWG would represent a significant step forward in tackling gender inequality in Scotland, and we recommend the committee give this serious consideration.”

A number of the submissions called for the need for funding on specific types of support and prevention.

Girlguiding Scotland believe that priorities for spending should be split between funding grassroots organisations and providing more education on the issue of violence against girls. For example, accessible grass roots organisations, that provide a safe and empowering space for girls. They argue that funding should be made to school programmes, “particularly those in high areas of deprivation and crime in order to help prevent the root causes of violence against women.”

SCLD welcomed their Equally Safe funding to begin a project working alongside women with learning disabilities who have experienced gender-based violence.

With reference to the £100m commitment, SCLD highlighted the need for a part of these resources to be focused on widescale support for women with learning disabilities, including a range of developmental work such as improving data and RSHP education.

AMINA also receives funding from Equally Safe. Their intervention and prevention work covers all aspects of VAWG. They work with the BME and Muslim community and organisations and raise awareness through campaigns, workshops, training and

webinars to help prevent issues of gender-based violence by educating communities to create change.

AMINA welcome the £100m commitment but said that it needs to focus on specialised support for marginalised women, as they cannot continue to fund these services which are a lifeline for many women with additional barriers.

“Women also tell us they want support and resources which are grounded in an understanding of their religious beliefs and cultural experiences. Therefore, they are less likely to access mainstream services and resources, and many face barriers in doing so.”

They describe a hardship fund they set up, through community donations, which has been accessed regularly for women fleeing abuse with no recourse to public funds. Their hardship fund has helped pay for taxis, food and hotels for women fleeing abuse.

AMINA also said that in Scotland there are not many qualified Independent Domestic Abuse Advocates (IDAAs) workers who are BME. They have paid for their own staff to train as IDAAs and hope the £100m will help organisations like theirs provide a domestic abuse case work service by qualified BME IDAAs.

White Ribbon Scotland said that when they manage to obtain the necessary level of funding “to be properly staffed the result will be a network of social change, with the staff and resources to crucially reach out to men and boys who are not inclined to reach out to VAW organisations”.

## **No-recourse to public funds**

The Committee heard from Lidia Dancu of JustRight Scotland, on [10 February 2022](#), during an evidence session on asylum seekers and refugees that women with no-recourse to public funds are more likely to need access to publicly funded support services:

“In particular, migrant women experiencing domestic violence are potentially being forced to remain with a perpetrator, as they do not necessarily have access to publicly funded services and refuges.”

Andy Sirel of JustRight Scotland spoke of the difficulty for women with NRPF to access Women’s Aid shelters:

“...my understanding is that shelters, such as Women’s Aid shelters, are funded by housing benefit, and as a result NRPF women are unable to access them. There are exceptions to that, but it seems to be an issue that requires to be looked at. It is perhaps within the gift of the Scottish Parliament to do that.”

**On Theme 3, Members may wish to ask the witnesses:**

11. **Investment in prevention of VAW** – Zero Tolerance call for a ten year approach to investment in prevention for VAW, as opposed to a three year work plan. What is your view, should there be a longer term approach to such investment?
12. **Funding for frontline services** – There are examples in the submissions of funding being raised locally to support specific services. What gaps are there in current funding for specialist services that would support minority ethnic women, disabled women, women with no recourse to public funds?
13. **Future approach to funding** – what advice would the witnesses give to the Scottish Government to ensure that funding is available to adequately address frontline support, as well as measures to address prevention of VAWG? What areas would they prioritise?

**Nicki Georghiou and Sarah Harvie-Clark, Senior Researchers, SPICe Research  
25 February 2022**

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