

Justice Committee
Criminal Justice (Scotland) Bill
Written submission from Zero Tolerance

About Zero Tolerance

Zero Tolerance is a national charity working to end men's violence against women (VAW) in all its forms. We promote a primary prevention approach, believing that changing societal attitudes, values and structures is the key to ending gender-based violence. We also believe that pervasive gender inequality in our society creates a culture in which VAW is prevalent and tolerated and that this must change. More information about our work can be found on our website, www.zerotolerance.org.uk

Our comments on the Bill

We wish to comment on the aspects of the Bill which we believe will most affect people who have experienced sexual crime or domestic abuse. We are pleased that the Bill includes provision to abolish the requirement for corroboration; but concerned about the increase in the jury majority from 8 to 10 jurors.

We are concerned that changes to investigative liberation may have a negative impact on victims of domestic abuse, of whom at least 82% are female. (Reported incidents are the tip of a very large iceberg, and some forces seem to operate a dual arrest policy around domestic abuse incidents, so the real proportion of women victims may be much higher than 82%).

We agree with paragraph 278 of the policy memorandum that "The abolition of the requirement for corroboration will remove a potential barrier to the prosecution of domestic violence and sexual offences." and with the statement in para. 136 that "The practical effect of the requirement for corroboration can be to deny access to justice for victims of [some] types of crime." such as crimes often committed in private with no witnesses.

We share the concerns of Rape Crisis Scotland expressed in its evidence on the Bill that other aspects of the Criminal Justice system not covered by this Bill are not working well and need review or that more research and social campaigning is needed. For example:

- We would like the Scottish Government to act on its commitment to introduce judicial direction in sexual offences cases
- We believe that research into juries' decision making processes is needed
- We believe there is a need for continued efforts to change public attitudes to sexual crime and domestic abuse (as all members of the public are potential jurors)
- We'd like a robust evaluation scheme
- We have concerns about the validity and value of the 'not proven' verdict and its use in rape cases

- We are concerned that sexual history and character evidence is still widely used despite provisions in the 2002 sexual offences act.

Zero Tolerance
30 August 2013