

Cross Party Group on Men's Violence Against Women & Children

**Minute of meeting Wednesday 20th January 2016
5.30pm – 7pm; Committee Room 6, Scottish Parliament**

Item	Action
<p>1 Attending</p> <ul style="list-style-type: none"> • Malcolm Chisholm- MSP • Christina McKelvie MSP • Claudia Beamish MSP • Jamie McGrigor MSP • Rhoda Grant MSP • Louise Johnson - Scottish Women's Aid • Marsha Scott - Scottish Women's Aid • Cath Logan - Big Lottery Fund Scotland • Isobel Hart • Melanie McCarry - Strathclyde University • Hazel Loeb - Pilton Community Health Project • Gillian Baker-Domestic Abuse Transitions Advice Project • Mhairi McGowan – ASSIST • Dawn Fyfe- SAY Women • Davy Thompson -White Ribbon Scotland Campaign • Emma Ritch- Engender • Vikki Kerr- Caledonian Edinburgh-City of Edinburgh Council- • Stacey Devine • Stephen Madill- Safer Families- City of Edinburgh Council • Sandie Barton- Rape Crisis Scotland • Linda Thompson - Women's Support Project <p><u>In Attendance</u></p> <ul style="list-style-type: none"> • Cabinet Secretary for Justice, Michael Matheson MSP • Trevor Owen, The Equality Unit, Scottish Government • Miriam Khan- Equal Scotland • Liam Beattie- HIV Scotland • Lauren Pollit- student <p><u>Apologies</u></p> <ul style="list-style-type: none"> • Elaine Smith MSP • Alison Johnstone MSP • Jan Macleod - Women's Support Project • Laura Tomson- Zero Tolerance • Lorna Gallacher-North East Edinburgh Counselling Service • Billie Willeans- Soroptimist International • Janice Wilson- Soroptimist International • Lexi Smart-Soptimist International • Ann Hayne- NHS Lanarkshire - EVA Services • George Eckton • Mandy McKerl • Sharon Edwards • Lily Greenan • Sarah Vernon- Children 1st • Eva Kestner - office of Rhoda Grant MSP 	

	<ul style="list-style-type: none"> • Girijamba Polubothu, Shakti Women’s Aid • Mariem Omar- Amina • Janet Fulton • Susan Lawson- West Lothian Council • Jen Richards- Pilton Community Health Project 	
2	<p>Discussion with the Cabinet Secretary for Justice, Michael Matheson MSP</p> <p>The Cabinet Secretary had been invited to the CPG to discuss Scottish Government policy on a variety of VAW-related issues and the meeting agreed to take this as the first agenda item since the Cabinet Secretary had another commitment straight after the CPG. To assist the discussion, CPG members had been invited to submit questions in advance and these were now taken in turn by the Cabinet Secretary.</p> <p><u>1) Scottish Women’s Aid- (“SWA”)</u> <i>What were the Scottish Government plans around the implementation of the Equally Safe Strategy; the ongoing debate around corroboration and the EU Directive on Victims’ Rights which gives a clear statement on eligibility of access to support services regardless of immigration status?</i></p> <p><u>Cabinet Secretary response</u></p> <p>Corroboration- -proposals in the then Criminal Justice (Scotland) Bill at Stage One had not obtained Parliamentary consensus and had met with concern. Stage 2 suspended and the Scottish Government (“SG”) appointed Lord Bonomy to undertake a Review of safeguards and other measures that might be needed post-removal of corroboration. Lord Bonomy’s Review Report was published in April 2015 and to allow further consideration of the 19 recommendations, including research into jury decision-making, the three verdicts, jury majority and jury size, the provisions around corroboration were removed from the Criminal (Justice) Scotland Bill at the reconvened Stage Two scrutiny.</p> <p>In September 2015, the Cabinet Secretary advised the Justice Committee that the jury research work would progress along with a final check around the 6 areas the Bonomy Report identified; taking these forward means that corroboration can be re-addressed, taking into consideration the impact on crime and victims in general.</p> <p>The SG will start to commission research; various ways this could be undertaken, including consultation with actual, as opposed to “mock jurors” which would involve amending the Contempt of Court Act. The research is likely to take around two years and on completion, it would be reasonable to revisit the matter. Must be prepared to address the issue with reasonable safeguards in place</p> <p>EU Directive- the SG is implementing the Victims and Witnesses (Scotland) Act 2014 and other instruments. The SG is clear that immigration status should not impact on, or compromise, access to victim and witness services. If women are subject to violence in the UK or abroad, it is right to provide support and assistance, regardless of immigration status.</p> <p><u>2) SWA and George Eckton-</u> <i>SG intentions around the specific offence of domestic abuse?</i></p> <p>Cabinet Secretary response- The SG is taking forward their</p>	

commitment on this- represents a new direction and very few other countries have such an offence. The results of the consultation in 2015 indicated that there was no stakeholder consensus on the wording of the offence and it is crucial that the correct wording is created.

This matter could not be satisfactorily resolved before the introduction of the Abusive Behaviour and Sexual Harm (S) Bill in October 2015 so a draft offence was not included in that Bill. The SG wanted consensus on the wording to maximise the benefits of the offence and did not want to rush this into Parliament, hence the current SG consultation on the proposed wording of a statutory offence, noting that the version in this consultation is better than previous suggested drafts.

If re-elected, the SG will take this forward as a priority Bill for the new Parliament, either as a stand-alone measure or it may sit within other legislation.

Mhairi McGowan (“MM”) -regardless of the consensus of opinion on the wording, an improvement on previous versions, and whether or not the offence proceeds, it will also be necessary to consider the issue of self-representing accused in relation to this offence since this may be used to undermine the criminal process and manipulate /threaten women to withdraw from the process.

Christina McKelvie MSP- the criminal justice process could be used to continue the abuse and the perpetrator demonstrating that he still holds power, thus undermining the intention of the offence. This is an issue at present and merits scrutiny.

The Cabinet Secretary indicated more could be done for vulnerable witnesses, for instance, children and young people and as a modern, progressive, system, they should not be subject to cross examination and should not be inside the court. The Evidence and Procedure Review considered the process in England, Australia and Norway where it was possible to retain the fundamental requirements but through a better approach to taking evidence.

3) Soroptimist International- *How will the smaller prison units planned for women significantly differ from the current larger original prisons?*

Cabinet Secretary response- the larger prison planned for Inverclyde will not proceed. Numbers at Cornton Vale were an issue in 1999 when the Cabinet Secretary was a member of the original Scottish Parliament’s Justice Committee. The McLeish Scottish Prisons Commission Report of 2008 identified that conditions at this institution were unacceptable and the female prison population had to be reduced; the situation has continued to deteriorate.

The SG has options around offending and can make decisions to change policy direction that will affect people’s lives, a radically different approach to female offenders. Proposals include a National Unit for 80 women and five Custodial Units across Scotland, which will be delivered on a multi-agency basis with a range of services engaged. There are various models across the world dealing with women’s offending; however, none of these provide a single solution and there is international interest in the Scottish response.

There is an evidence base that indicates that prison is not an

effective way of tackling the underlying causes of women's offending and more could be done in the community. The SG 2016/17 Budget had moved funding from prisons into community based disposals.

4) Linda Thompson- *When will the Justice Department research commissioned on commercial sexual exploitation be published, and when will the National Symposium on that research take place?*

Cabinet Secretary response- the desk-top research is nearly complete and the comparative work on other areas has almost been concluded. There will be two-three workshops at the end of February/beginning of March with dates and venues yet to be confirmed. Once information gathered from these events, this will be taken forward

5) Additional questions from the floor

Gillian Baker - important in the protection of women in civil and criminal courts to ensure that the Legal Aid Budget was not in any way depleted or diminished but this is happening in practice and is a stated aim of SLAB. The result is that perpetrators are, by necessity, representing themselves in criminal proceedings. To prevent women being harassed and intimidated by self-representing perpetrators and defence agents, women need representation in criminal cases. If this cannot be achieved through Advice and Assistance or Legal Aid, women need other support to obtain cost-free representation; if women are represented and appropriately protected in the court process, they have a better voice.

In terms of civil cases, women are being denied Civil Legal Aid to raise/defend child contact actions or those for a protective order, to protect themselves and their children. SLAB are under pressure to deny these applications and without some other model, the burden on SLAB is enormous. Women are struggling to obtain Civil Legal Aid for contact and/or protective orders which is adding to the many pressures they are already under and presents yet another battle and barrier in access to justice for them. The Scottish Women's Rights Centre in the West is targeting women who do not have access to Civil Legal Aid. This is funded by SLAB for 16-18 months but can only support one solicitor.

Cabinet Secretary response - the Legal Aid budget was demand-led and had to be met. The SG had chosen not to go down the route adopted in England and Wales which essentially dispensed with access to/provision of civil legal aid and the SG has tried to maintain access as widely as possible within budget constraints.

On the criminal side, efforts have been made to have processes work as efficiently as possible and ensure that defence solicitors are taking cases forward efficiently. Work is being done around Intermediate Diets and to reduce the budget.

In relation to civil legal aid, parties have to demonstrate that "*all reasonable steps have been taken before coming to court*", noting that this was an issue in relation to domestic abuse. Outwith domestic abuse, SLAB should ensure that parties "take steps" but he emphasised that SLAB should be taking domestic abuse into account in terms of this. The SG is trying to ensure/keep access to Civil Legal

	<p>Aid as much as possible due to the impact on women.</p> <p>Sandie Barton-("SB") <i>what is the current position around women's personal records in criminal proceedings and the progress of the COPFS Internal Review?</i></p> <p>Cabinet Secretary response- The COPFS is reviewing the use of section 274 and 275 to obtain a picture of the scale of the issue and how they are dealing with it, in terms of when COPFS challenge applications, when they do not and why. This should be available within the next month or two.</p> <p>The Cabinet Secretary then had to leave the meeting but indicated a willingness to answer further questions submitted by the CPG.</p> <p>The Convenors agreed that if members have any additional questions, these should be sent to Louise Johnson at SWA who will pass these onto the CPG Convenors.</p>	
3	<p>Approval of minutes of previous meeting - minutes of the meeting of 30th September 2015 were approved</p>	
4	<p>AGM</p> <ul style="list-style-type: none"> • The minutes of the AGM of 21 January 2015 were approved • The current Co-Convenors, Malcolm Chisholm MSP and Christina McKelvie MSP and the current Vice Convenors, Claudia Beamish MSP and Jamie McGrigor MSP, were proposed for re-election by Louise Johnson of SWA and seconded by Mhairi McGowan of ASSIST; no alternative candidates are put forward and the current office holders were duly re-elected. SWA was re-elected as Secretary. 	
5	<p>Progress of "Equally Safe" Strategy- update from Marsha Scott ("MS")</p> <p>The Strategy has four work streams (Primary Prevention, Capacity and Capability, Justice and Accountability) and four expert Working Groups under the same headings to inform, the development of longer term action plans, overseen by the VAW Joint Strategic Board ("JSB").</p> <p>SWA chairs the Accountability WG, to vertically and horizontally evaluate the work of the Strategy and VAW work across Scotland; Engender chair the Prevention WG and Rape Crisis Scotland are also members. Capability and Capacity WG- chaired by COSLA. Are redrafting their Terms of Reference and looking at "mainstream" as opposed to specialist services. MM advised that this WG has not progressed to the same extent as the other three. SB will sit on this WG</p> <p>MS- A number of strands of activity are currently underway in the four WGs and the JBS.SWA has ongoing concerns about the, firstly, the "robustness" of the implementation approach to the Strategy and the policy decisions around the current retention of the corroboration requirement given that the Strategy had been written with the expectation that this requirement and the post-election budget impact on progress.</p> <p>The CPG enquired as to the timeframe for the sharing of the Implementation or Action Plan across the VAW sector? Emma Ritch ("ER") - JSB had not identified a timeframe and all four WGs had also been given the task of producing Action Plans but again, with no final</p>	

	<p>deadline and are all at different stages. MS- the Justice Expert Group has the Action Plan on its February agenda</p> <p>MM and MS advised Equally Safe is being updated, but not rewritten, to address gaps in the current version. Feedback is being taken by the SG until 22 January but not clear whether this has been shared outwith the JSB or with Working Groups. Either Marsha Scott or Mhairi will be happy to raise any issues and Mhairi has e-mailed the Domestic Abuse Advocacy Groups for feedback. The update will be shared at the end of the month.</p> <p>Rhoda Grant MSP- will this rewrite address the lack of education around “respectful” relationships, etc. to avoid children and young people obtaining their “education” from the internet? MS- issue partly around making girls visible and listening to them. Sex education for children and young people would be taken up by the Working Groups, as opposed to the main Strategy document. SB advised that Rape Crisis Scotland is working with the Children’s Commissioner around their RCS National Prevention project on sexual violence prevention and healthy sexual relationships for young people. ER – the Prevention WG has talked extensively around girls’ experience in the classroom and the “toxic environment” in schools. Children’s organisations are engaging with this WG to take this forward and are looking at testing Logic Models with children and young people.</p>	
6	<p>Consultation on specific criminal offence of domestic abuse- update from Marsha Scott (“MS”)</p> <p>Current wording under consultation was an improvement on previous versions but SWA still has concerns. Important that we engage with the SG around the language of the proposed offence to ensure that it better reflects women and children’s experiences. SWA are engaging with local WA groups and services user around the language and would like to receive partners’ impressions of the draft wording.</p> <p>The fact that the offence did not make it into the Abusive Behaviour Bill is not a disappointment since the earlier version was not suitable, did not reflect the understanding of coercive control, and would not have allowed coercive control to be prosecuted as domestic abuse. MM added that there had been opposition to the previous wording and concerns about this going to Parliament.</p> <p>Name of the offence- should it be referred to as “Coercive Control” or not- need clarity for operational Police officers</p>	
4	<p>Statement of Intent (SOI) update – Davy Thomson (“DT”) , White Ribbon Scotland</p> <p>16 Days CPG December meeting did not take place and no dates have been available at the Parliament for a specific event so no signing opportunities during the 16 Days. Currently 57 signatures on the SOI but still many MSPs outstanding, although some interest from MSPs to sign- can we do this before and after dissolution? How do we follow up given that the CPG pages are deleted from the Parliament website after the election but remembering that we have the minutes and the SOI? DT will send the list of MSPs who have not signed to Malcolm and Christina who will follow up. LJ - COPFS has indicated intention to sign- advised that SWA will follow this up.</p> <p>Opportunities to promote?</p> <ul style="list-style-type: none"> • Party Manifestos- focus on SOI? Ask current and future MSPs 	<p>-DT will send the list of MSPs who have not signed to MC and CM</p> <p>- SWA to follow up COPFS re signing.</p> <p>-DT to liaise with MS on 8th March event</p> <p>-CM to check whether Law Officers could sign SOI at next Justice Questions and</p>

	<p>to sign up?</p> <ul style="list-style-type: none"> • International Women’s Day event – 8 March (after SWA conference)? • Presiding Officer’s event ? • SWC International Women’s Day event on 5th March 2016 in the Scottish Parliament – MS speaking and will raise the issue of the SOI. DT to liaise with MS • Christina McKelvie MSP- could possibly ask the Law Officers (Lord Advocate and Solicitor General) to sign the SOI at the next Parliamentary Justice Questions. CM to check and advise White Ribbon and SWA 	advise White Ribbon and SWA
5	<p>AOCB</p> <ul style="list-style-type: none"> • “Action Points”- legacy paper for the CPG in the new Parliament- to cover the SOI and other issues? • Timing of CPGs- SB raised the question of whether lunchtime meetings could be held. Difficult to find organise and find rooms and also for MSPs to attend due to Parliamentary business. New CPG can review? 	CPG members to consider Action Points for a CPG Legacy Paper
6	Date of Next meeting – Wednesday 16th March; 5.30pm-7.00 pm	