

## **Justice Committee**

### **Abusive Behaviour and Sexual Harm (Scotland) Bill**

#### **Written submission from Stirling Council/Stirling Gender Based Violence Partnership**

##### **1.0 Introduction**

Stirling Council/Stirling Gender Based Violence Partnership welcomes the opportunity to provide evidence on the Abusive Behaviour and Sexual Harm (Scotland) Bill. Stirling Gender Based Partnership is made up of statutory members Community partners including Third Sector voluntary organisation working from a gender based approach in ending violence against women. We note and support the commitment from the Scottish government to work to develop a specific offence to address perpetrators of psychological abuse which aligns the Equally Safe definition of domestic abuse.

##### **1.1 Aggravation of offence where abuse of partner or ex-partner**

We support the introduction of an aggravation to an offence where it includes the abuse of a partner or ex-partner as it aligns with the Equally Safe strategy that encompasses the spectrum of gender based violence:

- It equates psychological abuse with physical abuse
- It safeguards the victim by making sure the perpetrator is held accountable for his actions

##### **1.2 Disclosing, or threatening to disclose, an intimate photograph or film**

“Revenge Porn” is the fastest growing violence against women violation which perpetrators of abusive sexual behaviour have used as a weapon to further victimise, control and manipulate their victims to silence. We welcome the creation of the new offence as it aligns all multi-faceted actions of the perpetrator by holding them accountable for their actions. It will send a clear message that abusive behaviour and sexual harm is not tolerate. Furthermore it gives victims confidence to report the matter and seek help.

##### **1.3 Making of non-harassment Order in criminal cases**

We welcome the Bill provision that enables the prosecutor to apply to the court to make an NHO against a person as it is an added preventative measure.

#### **2.0 Part two – Sexual Harm**

##### **2.1 Jury directions relating to sexual offences**

We strongly support jury direction relating to lack of communication about offence, as judges are required to explain the reasons why the victim hadn't reported which shouldn't prejudice them.

## **2.2 Child Sexual offences committed elsewhere in the UK**

We welcome and support the extra territorial application across UK in cases concerning sexual offenses committed against children for number of reasons namely:

- It holds the perpetrator accountable and eliminates any loops holes in evading justice and reduces the impact on children on having to give evidence against the perpetrator.
- We also support the measure in this Bill that enables an offender's history of sexual violence in multiple countries to be brought to one trial, rather than having multiple trials in multiple countries. This is time and cost effective and ensures that the perpetrator is held accountable to the fullest extent of the law

## **2.3 Sexual harm prevention orders**

We welcome the introduction of the Sexual Harm Prevention Order to replace the current Sexual Offences Prevention Order and the Foreign Travel Order. We understand that this change means that with a SHPO there will be an automatic prohibition on foreign travel which should not exceeding 5 years.

## **2.4 Sexual risk order**

We welcome the SRO which replaces the RSHO which a civil preventative order which is designed to protect the public from sexual harm regardless of any previous convictions for sexual offences. It safe guards all vulnerable people.

## **3.0 Comments**

We support the Sexual Offences Prevention Orders (SOPO) reformed by this Bill which imposes conditions prohibiting the accused from carrying out stipulated acts indicated in the order on a person who was found guilty, or acquitted. Together with NHOs they are intended to support

## **Conclusion**

We support the Abusive Behaviour and Sexual Harm Scotland Bill and its provisions which reflects and take into account the experience of survivor's abusive behaviour and sexual harm. Implementing this Bill will be a positive step in protecting and safe guarding all vulnerable victims and survivors going through the criminal justice system.

Stirling Council  
26 November 2015