



The Scottish Parliament
Pàrlamaid na h-Alba



24th April 2017

Margaret Mitchell MSP
Convener
Justice Committee
Scottish Parliament
EDINBURGH

Dear Margaret,

NON HARASSMENT ORDERS

I understand that the Committee is now considering the Domestic Abuse Bill, and that the issue of Non Harassment Orders will be part of that consideration.

I have been in correspondence with the Scottish Government about their proposed reform of making it “mandatory for courts to consider whether an NHO is appropriate for any person convicted of a domestic abuse offence, rather than having to rely on an application being made by the prosecutor as is currently the case.” However, I do have concerns about how this “consideration” will be applied, and the effect on the victim.

I would ask that the Committee considers whether it should not in fact be the case that an NHO should be given automatically, it then being up to the convicted domestic abuse offender to argue that it is not necessary rather than the victim to argue that it is?

This issue was initially brought to my attention by a constituent, but I do feel, having considered the matter carefully, that this should be given full consideration. Surely, we should be safeguarding the rights of victims and guaranteeing their peace of mind as far as possible? It would also encourage more victims to come forward if they knew they would automatically have the protection of the court.

Yours sincerely

Linda Fabiani MSP