

Justice Committee

Stage 1 Scrutiny of the Domestic Abuse (Scotland) Bill

Note of meeting with Scottish Women's Aid

Tuesday 16th May 2017

Present:

Margaret Mitchell MSP (Convener), John Finnie MSP, Ben Macpherson MSP

“A”, “B” and “C”; victims of domestic abuse, accompanied by Dr Marsha Scott, Scottish Women's Aid

A's story

A left an abusive husband, and moved over a hundred miles away with her two toddler children. In the process she had to change her name and give up a good job and a respected position in the local community. In A's word's, it was the legal system that brought her abuser back into her life and he used the court process to continue his abuse.

The case cannot be discussed in detail here but in essence the award of a contact order to A's ex-partner as the non-resident parents left her in what she felt was an impossible situation. Her children did not want to see him and she felt punished by the justice system for seeking to protect them. He had used the process to spread lies about her. Had she not won her civil case on appeal she may have faced homelessness and the loss of her current job.

Her ex-partner's abuse took the form of highly controlling behaviour. He wanted to know everything. He was also physically and sexually violent and it emerged after they had married that there had been violent incidents in her past that she had been unaware of. Several years after she left him, he continues to harass her, with threats to solicitors of further legal action.

B's story

B left her husband around 5 years ago. In her own words, she “fled”, leaving her home with her toddler son and practically nothing else. She moved to the other side of the country, gave up her job, changed her name, and was in hiding for 18 months. She has not received a penny from her ex-partner in child maintenance. B describes it as a “miracle” that, after all she has been through, she is physically and mentally intact, enjoying studying at a university, and bringing up a happy child.

B's ex-husband's abuse was primarily psychological, but there was also some violent behaviour. There was a sadistic and taunting element and he appeared to enjoy behaviour he knew he would get away with; for instance physically threatening their child in the same room as a third party when they had their back turned. He would resort to anger when anything fell below his impossible standards. An example was abruptly cutting off relations with friendly neighbours when he learned of their slightly unconventional beliefs. The neighbours' child was no longer allowed to come to play, in case he “polluted” the house.

B was also progressively deprived of her own spending money to the point where she should couldn't even afford to buy any clothes for herself; this despite having a good job and, to all outward appearances, a "middle-class life".

Fleeing created new dangers. B said she went from being a "victim" to an "enemy". His aim was to destroy her financially and to smear her. He would also send ambiguous messages on her phone, clearly (to her) intended to be interpreted as threats. Examples given were disturbing song lyrics and pictures of men with guns.

C's story

C left her abusive husband around 15 years ago with her toddler child after just under a decade of marriage. Again, the main element of his abuse was highly controlling behaviour. He knew how to get under C's skin, making her feel worthless and a bad parent. Almost anything would make him angry, and it would always be presented as her fault. He had a job that required (or perhaps enabled) him to travel a lot, and C now saw that he used this as a sort of weapon: to test her loyalty, to create distance from her when he wanted to, to isolate her socially, and to limit her own independence. He would ask her to join him, she would put in her notice at work, then he would change his mind. If she travelled to be with him, he would constantly find fault, but if she stayed where she was, he would blame her for disloyalty.

C's husband was never physically violent in terms of punching. In her lowest moments, C sometimes wished that he would strike her so that she could feel that was "allowed" to leave him.

C's divorce lawyer advised her to begin keeping a notebook as a "running commentary" of her life with him. This was a turning point. The book became her "evidence" of his abuse and also allowed her to articulate and organise her own feelings. Another key moment was when her very young child told her one day that they would stand up to their dad next time he was mean to her. This was when she knew she had to leave.

Her husband's psychological abuse intensified after she left. He sought to terrorise her, threatening to harass her in the civil courts until she went mad or to manufacture a situation where he kidnapped the child and left her stranded and penniless in a foreign country.

Discussion points and general themes

Welcome for the Bill: A, B and C all welcomed the Bill and what it was trying to achieve. They saw in it the potential to address situations similar to theirs. None of their ex-partners had ever been successfully prosecuted for their actions. Indeed the criminal law barely featured in their stories.

A parallel was made with laws against smoking in public. New laws were important but they had been so effective because of a growing sense that smoking in enclosed public spaces was no longer acceptable. The law buttressed the social change and vice versa. The same dynamic was needed with regard to psychological abuse within a relationship.

However, there were serious concerns over how the Bill would interact with the civil law, especially in relation to children. The latter was seen as potentially enabling abuse to continue via the legal process. The Bill should make it easier to get a non-harassment order against an ex-partner but how much use is this when he has the legal right to have contact with children of the relationship?

The nature of abuse: A common theme was of the abusers acting with a sense of impunity, as if they knew they could get away with it. Another was of anger being used as a controlling mechanism. Within the relationship, nothing was ever good enough, with the partner being left feeling distraught and vulnerable. It was not case of the ex-partner lacking the moral compass to realise what they were doing was wrong. In each case, the abuser also habitually lied about their past conduct. Why would he lie so much about his conduct unless he knew it had been wrong?

There were often warning signs early on in the relationship, but only after it had become “serious” (eg shortly after marrying). There is a natural tendency to try to smooth over differences and make things work, especially where children are involved. In this way, an individual can find themselves drawn into situations where the abnormal becomes normalised. Dr Scott commented that first contact with Scottish Women’s Aid is very often a phone call from a woman saying that they are not actually sure if they are being abused.

Barriers to getting help: Seeking help requires awareness that one is actually suffering abuse. There is far greater awareness now of the problem of domestic abuse but much more still needs to be done to raise awareness. Psychological abuse may include cutting the partner off from normal social and work contacts. Social media use may not be possible, because it is “too risky”. These factors also potentially enable abuse to continue past the point where the abused person knows they need to get out.

Stereotypes about “typical” domestic abuse may in practice have been an enabling factor in the women’s story of abuse. All were well-educated with professional jobs and superficially comfortable lives: who would believe that there could be abuse in that household?

Leaving the abuser: Leaving the abusive partner was absolutely necessary, but it did not end the abuse and, in some ways, intensified it. A and B both had both been living in small communities. They were aware of being smeared by their ex-partner, with gossip being spread. The challenges of dealing with abuse are different and in some respects more intense in a rural community.

Going public about an abuser after leaving them can be liberating; it can put a check on their behaviour. But it will not be the solution for everyone.

Children: there was a very strong sense that the presence of children of the relationship had been an intensifier of the abuse, before and after the end of the relationship. Children form a crucial part of the calculation of whether and when to leave. After the decision is made, the presence of children can be a reason for having to remain in contact, creating a channel for the abuse to continue and giving the abuser power over the abused person. Family law cases can be a means by which the abuser continues their abuse. C had talked of her enormous relief at her child recently turning 18 as this meant that the child was now “safe”.