

4 March 2010

Dear Rhoda Grant MSP

**The Proposed Civil Protection Orders and Access to Justice (Scotland)
Bill: Consultation**

Far too many children and young people in Scotland are victims of violence in their homes, as victims of violence against their mother and violence against them directly. We know that where domestic abuse exists in a home, there is a far higher chance that the child will also experience physical or sexual abuse. Certainly we know that emotional abuse, trauma and coping with constant fear are the reality for many children living with domestic abuse.

It is for this reason that we welcome this consultation that aims to strengthen the power of non-harassment orders and interdicts. If these are to be worth anything, these orders must have the necessary teeth to ensure that they are taken very seriously by those who are the subject of them. Legal protection orders that work can be an important tool in preventing further abuse, and in particular, preventing children and young people from having to uproot their whole lives and change their own routines and relationships in order to stay safe. It is vital that they are able to walk to school, play outside, go to clubs etc without fear – these legal orders can sometimes make this possible.

We specifically welcome the change to make one incident of harassing behaviour enough evidence for a non-harassment order. Our experience is that often one incident of harassment is underpinned by months or years of continual emotional abuse and intimidation of a 'less-serious' nature. We also know from our work with Justice for Children, an alliance of individuals and organisations seeking greater rights for children in the Scottish judicial system, that it can be very difficult to collate evidence for incidents which are often, by their very nature, behind closed doors. Requiring evidence of two incidents will put this protection out with the reach of many.

Domestic abuse is no recogniser of class or wealth – it is common across economic divides. We agree that if access to legal aid is a problem that delays or complicates access to these simple legal protection measures, then this must be addressed.

I hope that these comments are useful. If you would like to discuss this further, or discuss CHILDREN 1ST's work to minimise the impact of domestic

abuse upon children and young people, please do get in touch at the contact details above.

Yours sincerely

A large black rectangular redaction box covering the signature of Tom Roberts.

Tom Roberts
Head of Public Affairs