

Response to Consultation Questions on Rhoda Grant's proposed bill on Civil Protection Orders from Dundee Women's Aid  
23 February 2010

We welcome the bill and are in agreement with the thrust of the bill in improving the protection available to victims of domestic abuse. Specifically responding to the questions posed:

**1. What advantages or problems might arise as a result of removing the course of conduct requirement?**

We welcome this. Domestic abuse is a crime and as such there should not be a requirement for more than one incident before action is possible. The nature of domestic abuse normally results in women keeping the abuse a secret therefore this would make it easier to overcome this by being another point where society is giving the message that domestic abuse is not acceptable. In the case of other types of assaults we wouldn't expect the justice system not to prosecute and require the victim to only be protected should another assault occur, victims of domestic abuse deserve the same protection as any other victim of a crime.

*The only reservation would be that the definition for the single incident was such that it is clearly domestic abuse which is about coercion and control and not a one off situational violence situation where there is no real evidence of likely recurrence of the element of coercion and control.*

**2. What do you see as the main benefits of making it easier to obtain a non harassment order?**

Reduction in fear for the abused, and creating a climate whereby abusers are less likely to abuse. Women should not have to wait in dangerous situation to get more evidence. So this would give better protection from potentially life threatening situations. Provision of legal aid without means testing is crucial. Protection of abuse should not be dependent on ability to pay but should be available as a human right.

**3. What advantages or problems might arise with the removal of means testing?**

No problems other than finding the money! Knowing they would automatically obtain legal aid in the knowledge that the law would protect them, women will become more confident in taking action and feel more protected. Finding funding should not be seen as impossible in the current recession as that is short term thinking. The cost would be offset by reductions elsewhere in the stress and strains on support services, the hospital and police.

**4. What do you see as the main benefits of removing means testing?**

Greater fairness. Women should not have to pay for protection from a crime. Also when women leave an abusive relationship their financial situation is often very precarious and fluctuating as they seek alternative accommodation and at this point accurate means testing would be difficult anyway.

The protection aimed to be provided would be valueless unless the victims can access the provision. Many working women are on modest salaries and as such are de facto prevented from seeking legal protection from abuse because they lack the financial means to obtain a non harassment order. Also there are usually children involved and they should not suffer because of financial constraints of their mothers.

**5. What are the advantages and problems that might arise from making it a criminal offence to breach an interdict with a power of arrest?**

The clear message it gives from society that domestic abuse is a crime and not acceptable. The Police will have that behind them and so respond more effectively. One hopes it will impact on the abusers and make them think twice about abusing.

**6. What do you see as the main benefits of making it a criminal offence to breach an interdict with a power of arrest?**

The powers of arrest are crucial. It will give women confidence in the legal system and reduce the risk the domestic abuse which can result in severe injury and even be life threatening.

Abusers will face serious consequences and not feel it is just something that they can get away with and therefore be less likely to continue intimidating behavior. Having a criminal record may affect current or future employment which would also be a deterrent.

The enforcement of civil orders even with attached powers of arrest has been largely ineffective. A clear definition of a breach as criminal would endorse its seriousness. Part of the difficulties of enforcement also lay in procedural constraints and it is to be hoped that the obstacles which these created would be eliminated and bring about confidence in the system not only for women and children but for those making supreme efforts to make the law in this area effective.

**7. What costs would be associated with all of the proposals contained in the Bill?**

It should be available regardless of cost as protection from abuse should not be dependent on ability to pay. Beyond cost in money for legal aid there are potential savings in costs of the consequences of domestic abuse on the Police, Health Services, Housing and support services. There is psychological cost savings as well from increased confidence of all to manage domestic abuse situations more effectively.