

**From:**  
**East Fife Women's Aid**

### **Summary of Consultation Questions**

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

The nature of domestic abuse normally results in women keeping the abuse a secret therefore making it difficult to evidence a course of conduct. 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. There are also serial abusers and their history of similar assaults on partners/ ex partners should also be taken into account.

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

Women would get the protection they needed when they needed it and without the legal costs currently associated. They need not wait, at times in highly dangerous situations to evidence more than one incident placing them at greater risk. Protection of abuse is a fundamental human right which should not include the ability or inability to pay for it.

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

It would give victims the confidence to leave as they automatically obtain legal aid in the knowledge that the law would protect them. Victims would receive the most basic human right of protection from abuse. There would be implications for the public purse but this will be offset against the reduction of repeat offences.

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

When women leave an abusive relationship their life circumstances change and often continue to change until they are in settled accommodation, this makes it difficult to calculate any accurate contribution due to legal aid. The costs of living in refuge and or temporary accommodation are high too. Women often need to adjust to a change in income, normally less than before; having to then pay towards their protection is unacceptable.

Many working women are de facto prevented from seeking legal protection from abuse because they lack the financial means to obtain a non harassment order. Research has proved the negative impact of domestic abuse has on children, they should not continue suffer due to their mothers financial circumstances.

**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?**

Abusers may take the order more seriously, some may blame the woman and abuse may escalate. The Police may respond more positively knowing that there is a consequence to the abusers actions.

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

Women would have more confidence in the legal system.

It would be a deterrent to abusers who previously flouted the courts and would commit non criminal behavior to intimidate victims. Having a criminal record may affect current or future employment which would also be a deterrent.

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

We feel this would reduce repeat victimisation which saves significant sums of money and look upon this proposal as a spend to save initiative. Basic human rights should be available regardless of cost.