

ROSS-SHIRE WOMEN'S AID

A Charity giving information, support & refuge to women & children who have experienced domestic abuse

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24th January 2010

Rhoda Grant MSP
The Scottish Parliament
Edinburgh
EH99 1SP

Dear Rhoda,

I am writing on behalf of Ross-shire Women's Aid in response to your consultation. Ross-shire Women's Aid has provided information, support and refuge to women, children and young people with experience of domestic abuse since 1981.

We welcome your consultation and are very supportive of your proposals, and believe that if these become law they will have a beneficial impact on the lives of women who experience domestic abuse.

Question 1

The removal of having to show a course of conduct will make it easier for women to seek protection from the perpetrator of abuse. It will remove some of the substantial barriers which are currently placed in the way of those seeking a non-harassment order. For women who have experienced abuse for years but have been unable to tell anyone about what has been happening, it will stop them feeling as though they are being disbelieved and that the system is there to protect the rights of the victim.

This will help send out a message that the rights of women are important and that it is not okay for someone to abuse another person, whether it is once, twice or how many times. This could also possibly save time and money as by pre-empting further incidents it may require less intervention from services.

A possible disadvantage could be that the way in which this is interpreted by the courts would mean that the proof required of one incident having occurred could be increased.

Ross-shire Women's Aid Charity No SC008514

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Question 3

The advantages of removing means testing would mean that all women would be able to access the legal remedies available to them if they choose to do so. For women who due to abuse have possibly had to move house, or have incurred other increased costs or a reduction in income, being told they need to make a financial contribution towards securing their own protection can mean that they do not proceed with this course of action. This can put women and their families at further risk of abuse.

Additionally women who leave an abuser can quite often be left with large debts due to loans etc being taken out on their behalf or jointly with their partner, the repayments which need to be made on these can impact on the disposable income a woman has. The financial insecurity experienced by most women when they are leaving a perpetrator of abuse can cause women to worry about her and her families future, telling her she may need to make a contribution towards securing her safety can cause additional stress and worry at a difficult time.

The disadvantages would be the increased direct costs to the state of financing this, but this would need to be balanced against possible reduction in costs in relation to the involvement of agencies such as the police. As well as improving the balance between the rights of the offender and the rights of the victim.

Question 5

The advantages of making a breach of an interdict with the power of arrest a criminal offence is that it takes the onus of the individual woman to deal with the offenders behavior and allows the state to take on its responsibility of providing protection. This should help ensure women receive the protection they deserve in a speedy manner and at no cost to themselves.

The lack of any criminal sanctions related to breaching an interdict allows an abuser who is intent on continuing to abuse and harm a woman free to do so. In essence the time, effort and money which has been put into securing the interdict is wasted as is the efforts of the police who detain the abuser but are unable to take action.

We cannot see there being any disadvantages to making the breach of an interdict with powers of arrest a criminal offence. We believe that this change would make a huge difference to the safety of women, children and young people and would allow the state to take effective action to provide protection.

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We hope you are successful in bringing forward your members Bill, if there is any further support we can provide please do not hesitate to let us know.

Yours sincerely

Heather Williams

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