

## THE PROPOSED CIVIL PROTECTION ORDERS AND ACCESS TO JUSTICE (SCOTLAND) BILL

Shakti Women's Aid works with BME women experiencing or fleeing domestic abuse from their partners, ex-partners and other members of the household.

**Shakti women's aid fully supports the proposals of this bill. We have stated our reasons below. We have also raised some concerns and suggestions which we believe should be considered.**

BME women face many barriers in disclosing abuse and asking for help in dealing with domestic abuse. These barriers are both cultural and institutional.

The patriarchal nature of the communities that the women belong to prevent women from talking about the abuse they suffer at the hands of their partners and their extended families. They are expected to keep silent and bear the abuse and made to believe that it is the man's right to treat his wife as he likes. They are led to believe that talking about abuse and seeking help for it would be dishonourable to them and their families. These attitudes can make it difficult for women to disclose domestic abuse and also therefore make it difficult for women to find willing eye witnesses to abuse.

In addition, to the barriers that women face from their communities they also face barriers in accessing services. These include language barriers, lack of understanding of the system, the Means of contacting service providers, and the immigration restriction of 'no recourse to public funds'. Institutional barriers often lead women to believe that they are not entitled to protection under the law.

Barriers such as these make it difficult for women to disclose abuse to service providers such as a GP, Health Visitor and Police.

Our service users and staff cited various examples that had make it difficult for them to report abuse. **These include**

- Families close ranks and prevent access to the Police, Social Work to report incidents of domestic abuse.
- Women were threatened with deportation and abandonment by partners and their families if they spoke about the abuse outside the family home including to other relatives.
- Women disclosed that they could not speak to professionals in the first place as they were never able to visit the GP without the presence of a family member in the consultation room or were never registered with a GP.
- Women's lack of awareness of confidentiality as a ground rule (in institutions such as Medical Surgery) and therefore lack of trust and fear that someone (family, partner) will find out
- Requirement of showing the evidence to professionals which may be difficult and uncomfortable (especially when dealing with male professionals)

- Lack of knowledge about the legal system, women's rights and procedures and lack of awareness that something can be done to help, which causes women not to reveal incidents of abuse.
- Low self-worth, tendency to hide the problem and not wanting to make it bigger, fear that problem will increase.
- Women are often isolated and cannot get out of the house.

The biggest benefit of removing the course of conduct requirement identified by Shakti's service users and staff is that given the many issues in disclosing abuse in the first place. It would be easier to provide evidence once as the opportunity to prove a domestic abuse incident a second time would be far more difficult considering the possible reactions from the perpetrator and the family as well as other system placed difficulties.

The reasons cited above demonstrate that BME women are already disadvantaged in their ability to report abuse. To burden them with the responsibility of proving a course of conduct before they can get safety is unreasonable and in many cases unachievable for the very reasons explained above.

Shakti and the service users feel that making it easier for women to get protection under the law would encourage more women to disclose abuse and live without the fear of further abuse.

#### **Breach of Interdict with Power of Arrest**

Shakti Women's Aid and its service users support the idea that a Breach of an Interdict should be counted as a criminal offence.

We feel that abusers often don't take these orders seriously and there aren't enough repercussions for breach of orders. The threat of a criminal record will keep abusers in check. Some women felt that men might even learn a lesson and reform their behaviour. Women also cited that their children will also benefit as the abusive father can often threaten the mother through the children or the children directly.

However, women have said that if this is going to become a criminal offence then they should be offered more protection and safety from the police and local authority as there will be a risk of an increase in threatening behaviour from the perpetrator or family.

Also as an organisation, we believe that some difficulties may arise if a man breaches the harassment order and the woman wants to drop the case due to pressure from the perpetrator, his family and maybe even her own family. In this situation the victim contradicts herself, would the case then continue anyway or would the woman's decision stop proceedings? Women need to know the consequences of using such a law. Therefore along with the change in the law there should be actions taken to increase women's awareness in of these changes and the possible consequences of using them.

In addition to the above, we believe that these non harassment orders must also protect women especially BME women, from further abuse from other members of the family who are often compliant with partners, ex-partners in perpetrating domestic abuse.

### **Legal Aid**

We support the decision to make legal aid free to all for an application. However this must be supported by an increase in the number of lawyers who take on legal aid cases. As women can claim legal aid are already struggling with the problem of finding lawyers who are willing to take on their cases.

