Reporting on Progress Towards Equality of Opportunity for Women and Men Made by Public Authorities in Scotland

Ministerial Priorities for Gender Equality

Tackling Violence Against Women: A Review of Key Evidence and National Policies
REPORTING ON PROGRESS TOWARDS EQUALITY OF OPPORTUNITY FOR WOMEN AND MEN MADE BY PUBLIC AUTHORITIES IN SCOTLAND

MINISTERIAL PRIORITIES FOR GENDER EQUALITY

TACKLING VIOLENCE AGAINST WOMEN: A REVIEW OF KEY EVIDENCE AND NATIONAL POLICIES

Scottish Government Social Research
2010
The views expressed in this report are those of the researcher and
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Scottish Ministers.
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<td>ACPOS</td>
<td>Association of Chief Police Officers in Scotland</td>
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<td>ASSIST</td>
<td>Advocacy, Support and Information Services Together</td>
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<td>AWRC</td>
<td>Asian Women’s Resource Centre</td>
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<td>CEDAR</td>
<td>Children Experiencing Domestic Abuse Recovery</td>
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<td>CEDAW</td>
<td>United Nations Convention on the Elimination of all Forms of Discrimination Against Women</td>
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<td>CEL</td>
<td>Chief Executive’s Letter</td>
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<td>CJAs</td>
<td>Community Justice Authorities</td>
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<td>Convention of Scottish Local Authorities</td>
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<td>National Office for the prevention of domestic, sexual and gender-based violence</td>
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<td>Equality and Human Rights Commission</td>
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<td>EMF</td>
<td>Equality Measurement Framework</td>
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<td>European Union</td>
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<td>FCO</td>
<td>Foreign and Commonwealth Office</td>
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<td>Female Genital Mutilation</td>
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<td>Forced Marriage Unit</td>
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<td>HQNS</td>
<td>Housing Quality Network Services</td>
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<td>Multi-Agency Partnerships</td>
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<td>National Referral Mechanism</td>
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<td>National Society for the Prevention of Cruelty to Children</td>
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<td>Scottish Crime and Justice Survey</td>
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<td>SOLACE</td>
<td>Society of Local Authority Chief Executives</td>
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<td>TARA</td>
<td>Trafficking Awareness Raising Alliance</td>
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<td>United Nations Convention on the Rights of the Child</td>
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<td>VIA</td>
<td>Victim Information and Advice</td>
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<td>VSS</td>
<td>Victim Support Scotland</td>
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EXECUTIVE SUMMARY

Introduction

The current Gender Equality Duty requires Scottish Ministers to set out priority areas that they have identified across the functions and activities relevant to Scottish public authorities and then provide an overview of progress in these priority areas by 1 July 2010 (and at least every three years thereafter).

Scottish Ministers agreed two priority areas for the advancement of equality of opportunity between women and men in Scotland, namely: tackling violence against women and occupational segregation.

To enable Scottish Ministers to provide an overview of progress, the following was undertaken for each priority area: a review of key evidence and national policies; a review of a sample of public authority documents; and, case studies with a sample of public authorities.

Four reports have been published; two reports for each priority area: one written by Reid Howie and Equality Plus¹ on their findings from the public authority document review and case studies which makes links to the other, which reports on the in-house evidence and policy review.

This report is focused on violence against women and is informed by the findings of the review of key research evidence, statistical data and national policies. The first part of this report (on key evidence and statistical data) was written in conjunction with the School of the Built Environment at Heriot-Watt University.

Evidence Review – Key Findings

Nature and Extent of the Phenomenon, Risk Factors and Service Provision

- Violence against women includes (but is not limited to): physical, sexual and psychological violence occurring in the family, general community or in institutions; sexual harassment and intimidation at work and in the public sphere; sexual exploitation; dowry-related violence; female genital mutilation; forced and child marriages; and, honour crimes. These different forms of violence against women have their roots in gender inequality and are therefore understood as gender-based violence.

- There were 53,681 incidents of domestic abuse in Scotland recorded by the police in 2008-09. Women are far more likely to be victims than men, with incidents involving a female victim and male perpetrator representing 84% of reported incidents.

• The number of crimes of indecency recorded by the police in 2008-09 was 6,331. Of these the number of sexual assault cases recorded was 2,603; 821 recorded cases of rape, 142 of assault with intent to rape and 1,640 incidents of indecent assault.

• Studies show between 78% and 86% of stalking victims are female, with between 18% and 31% experiencing sexual violence within the context of stalking behaviour.

• In 53% of homicide cases over 1997-2007, where a women aged 16-69 was the victim, the main accused was the women in question’s partner.

• In 2009, the United Kingdom (UK) Government’s Forced Marriage Unit dealt with 375 cases of forced marriage, of which 1% originated from Scotland.

• The scale of Female Genital Mutilation (FGM) is difficult to quantify – a study in 2007 estimated nearly 66,000 women aged between 15 and 49 living in the UK had undergone FGM and over 20,000 girls were at risk.

• Violence experienced by women is commonly carried out by men known to them. Other risk factors are co-habitation, youth, experience of other crime, residence in areas of deprivation, pregnancy and the presence of children.

• Significant numbers of women are victims of more than one type of violence and many experience repeat victimisation.

• Service provision in Scotland is reportedly more geographically spread than in the rest of the United Kingdom and multi-agency working has consistently been recommended as a means of addressing and supporting women experiencing abuse/violence.

• Of concern is the lack of services (and barriers to access) for ethnic minority women, disabled women and lesbian, gay, bisexual and transgender women.

**Housing, Homelessness and Children and Young People**

• Domestic abuse has long been recognised as a major contributory factor to homelessness.

• Refuges have traditionally been the main response to supporting women threatened with homelessness due to domestic abuse. Studies have shown that shortages in provision could be problematic for access in a preferred location and inadequate provision to meet needs may contribute to repeat homelessness.

• The impacts of domestic abuse on children and young people can be profound and long-lasting and specific provision should be made available for children.

• Studies highlight that children’s perspectives and fear should be taken more seriously and that they should be involved in major decisions which affect them.
Further, studies suggest primary prevention against domestic abuse through education should be considered.

**Ethnic Minority Women, Disabled Women, Lesbian, Gay, Bisexual and Transgender (LGBT) Women and Human Trafficking**

- Data on violence against ethnic minority women in Scotland is limited. Such violence may take different forms from those experienced in the majority population and include collusion by members of the extended family and "honour-based" dimensions.

- Female genital mutilation has been viewed as deeply entrenched in the values and norms of certain communities, and employed as a preventative measure against female infidelity and sexual independence by reducing women’s sex drive.

- Studies suggest that disabled women may experience greater difficulty in leaving abusive relationships than non-disabled women because of, for example, their perpetrator - who may also be their carer - controlling medication, playing on disablist attitudes and threatening custody of children.

- Of the 53,681 incidents of domestic abuse recorded by the police in 2008-09, 1,184 were for same-sex couples; 546 for male same-sex couples and 638 for female.

- Most issues around domestic abuse are similar in relationships regardless of sexual orientation however, there are additional issues faced by same-sex couples for example: threats to publicise someone’s sexuality; undermine someone’s sexual identity; and, lack of recognition of same-sex domestic abuse in lesbian and gay communities.

- There is a lack of evidence about the violence against women experiences of transgender women.

- Between April 2007 and March 2008, 79 individuals believed to be victims of human trafficking came into contact with agencies in Scotland - the majority were adult female victims who had been trafficked into sexual exploitation.

**Violence Against Women and Multiple and Complex Needs and Men as Victims**

- Substance abuse and domestic abuse often co-exist, with each exacerbating the other. Studies show that women who experience domestic abuse and who misuse substances often do so as a consequence of their abuse and often turn to substances as a means of coping with the abuse from their partner.

- Women who experience domestic abuse and substance misuse often present with multiple and complex needs – for example also experiencing mental health problems and homelessness.
• Of the 53,681 incidents of domestic abuse reported to the police in 2008-09, 15% of these were male victims – 93% of these involved a female perpetrator and 7% a male perpetrator.

National Policy Review – Key Findings

Structures, Strategies and Policies

• The Scottish Government’s Purpose is “to focus Government and public services on creating a more successful country, with opportunities for all of Scotland to flourish, through increasing sustainable economic growth”. It is through the Government’s National Performance Framework (through Strategic Objectives and National Outcomes) that this Purpose will be achieved.

• In the above context, Single Outcome Agreements - which underpin the Concordat agreed between the Scottish Government and CoSLA in 2007 – set out how Local Government will work towards improving outcomes for Scottish people.

• Equalities is central to the work of the Scottish Government and Local Government - one of the National Outcomes being progressed is that we have tackled the significant inequalities in Scottish society.

• The Equality Unit was established in 1999 to lead on equality policy development and support Scottish Ministers in their work to advance equality. It has a particular role to promote and extend ownership of equality issues throughout the Scottish Government (mainstreaming) and works with a range of equality interests and stakeholders. To assist, the Social Inclusion and Equalities Analysis Team provides analytical support and promotes mainstreaming of equalities across the three Government analytical groups – researchers, statisticians and economists.

• International frameworks such as the United Nations Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), provide key frameworks for driving forward rights and remedies against discrimination at a national level.

• The Scottish Government has progressed a significant amount of work to tackle violence against women through for example, initiatives under the National Strategy to Address Domestic Abuse in Scotland, the National Domestic Abuse Delivery Plan for Children and Young People and Safer Lives.

• Work has also been progressed on specific issues such as forced marriage and human trafficking.

Information Gathering, Monitoring and Reporting

• As part of the Crime and Justice Series Statistical Bulletins, the Scottish Government publishes a yearly Statistical Bulletin on “Domestic Abuse Recorded by the Police in Scotland” which describes characteristics of victims and perpetrators of domestic abuse. Other Bulletins include: Homicide in Scotland and Recorded Crime in Scotland.
• The Scottish Crime and Justice Survey provides additional evidence on “Partner Abuse” and “Sexual Victimisation and Stalking”.

• Research work is being undertaken across Government to support the National Domestic Abuse Delivery Plan for Children and Young People, for example analysts are: supporting Scottish Women’s Aid to evaluate Children Experiencing Domestic Abuse Recovery (CEDAR); developing a monitoring framework to support the roll-out of the Caledonian System; and, undertaking an evidence review to explore the relationships between domestic abuse, housing and homelessness.

• Data collection was identified as a key priority for action in Safer Lives and a Data Collection Working Group is to develop a logic model for Safer Lives with close involvement from CoSLA.

• Consultation is an essential and important aspect of Scottish Government working methods - good practice guidance has been developed alongside specific guidance in the context of children and young people and equality groups.

• Consultation on violence against women documents and initiatives dates back to the National Strategy to Address Domestic Abuse in Scotland and continues to the present with for example, a short-life working group to assist with the development of Multi-Agency Partnership Guidance and Voice Against Violence to enable meaningful participation of children and young people affected by domestic abuse.

• The Scottish Government has consulted on specific issues which are receiving more attention in recent years such as forced marriage and human trafficking.

Initiatives and Specific Work

• Since the establishment of the Scottish Partnership on Domestic Abuse, the Scottish Government has committed funding to violence against women services and support work through various funding streams: for example, the Domestic Abuse Service Development Fund; the Children’s Services Women’s Aid Fund; the Rape Crisis Specific Fund 2008-2011; and, the Violence Against Women Funding Stream.

• Impact evaluations of initiatives funded have been positive finding, for example the Domestic Abuse Service Development Fund had been essential to the promotion of the National Strategy to Address Domestic Abuse. The Children’s Services Women’s Aid Fund enhanced support to children in refuges and to children leaving refuges and receiving follow-on support. The National Domestic Abuse Helpline evaluation found that the Helpline fulfils a unique role in being able to offer dedicated emotional and practical support and information to a wider range of victims of abuse, particularly during times when most agencies are closed. The Domestic Abuse Pathfinders have improved information gathering and sharing and are contributing to better multi-agency joint working between children’s services, adult services and the voluntary sector.
• The Scottish Government has been conducting an annual Domestic Abuse Campaign since 1998 to strengthen the view that domestic abuse is totally unacceptable. Campaign evaluations have shown that the main aims of the campaign year on year are achieved with high percentages of respondents spontaneously recalling they had seen or heard the advertising or publicity on domestic abuse.

• There are a number of initiatives being developed and progressed under the framework of the National Domestic Abuse Delivery Plan for Children and Young People. These include: the introduction of routine enquiry of domestic abuse in NHS settings; building on the accreditation of the court-mandated Caledonian System; using a toolkit – developed from the positive learning of the Pilot Domestic Abuse Court in Glasgow - to support and encourage Criminal Justice Agencies across Scotland to review their practice; and, piloting CEDAR, a community-based model of groupwork intervention for children and their mothers affected by domestic abuse.

Training and Awareness Raising

• Since the launch of the National Strategy to Address Domestic Abuse in Scotland, the Scottish Government has developed and published a number of key national training strategies and specific guidance documents targeted at key sectors (e.g. health, housing, police, voluntary sector, Local Authorities and Community Planning Partners).

• In addition, specific guidance has also been developed and implemented on particular issues (e.g. children and young people experiencing domestic abuse, street prostitution and child trafficking).

• Scottish Government training strategies have also led to the establishment of training consortia across Scotland made-up of representatives of key public agencies relevant to the violence against women agenda: police, health, Local Authorities and voluntary sector partners.

Report Structure

Chapter One of this report provides a short introduction explaining the requirements for this work and the approach undertaken.

Chapter Two considers key violence against women research evidence and statistical data. This Chapter looks at the nature and extent of violence against women, risk factors that increase women’s vulnerability to violence and service provision for women experiencing violence. The focus is then on particular issues such as domestic abuse, housing and homelessness and the impact of violence against women on children and young people. In addition, violence against ethnic minority women, disabled women and lesbian, gay, bisexual and transgender women are discussed and human trafficking issues highlighted. The Chapter ends with a consideration of the links between violence against women and multiple and complex needs and men as victims.
Chapter Three is divided into four sections. The first Section outlines the national context in relation to the structure and hence mode of working of the Scottish Government and reviews national policies/strategies that relate to violence against women. Section Two provides examples of key work the Government is progressing to build the evidence base on equalities and on more specific issues relevant to violence against women. This Section ends with examples of consultation work undertaken by the Scottish Government in the context of equalities and gender and on issues relevant to violence against women. The third Section focuses on national funding of initiatives and provision of services/support to address violence against women and then provides evidence on impact of particular initiatives. The final Section, highlights national training strategies and guidance that have been developed and implemented to raise awareness of tackling violence against women issues across the public sector.
1 INTRODUCTION

1.1 The current Gender Equality Duty requires Scottish Ministers to set out priority areas that they have identified across the functions and activities relevant to Scottish public authorities and then provide an overview of progress in these priority areas by 1st July 2010 (and at least every 3 years thereafter).

1.2 In June 2009, following consultation with a wide range of stakeholders, Scottish Ministers agreed two priority areas for the advancement of equality of opportunity between women and men in Scotland, namely: tackling violence against women and occupational segregation.

1.3 To enable Scottish Ministers to provide an overview of progress, a methodological approach with three elements was adopted as follows:

- a review of key research evidence, statistical data and national policies on the two priority areas (undertaken in-house by Communities Analytical Services Division and Heriot-Watt University).

- a review of a sample of public authority documents in the context of both priority areas (undertaken by Reid Howie Associates and Equality Plus).

- case studies with a sample of public authorities included in the above document review. Interviews were undertaken with key people progressing violence against women and occupational segregation work (undertaken by Reid Howie Associates and Equality Plus).

1.4 As a result of the above approach four reports have been published; two reports for each priority area: one written by Reid Howie Associates and Equality Plus on their findings from the public authority document review and case studies which makes links to the other, which reports on the in-house evidence and policy review.

1.5 This report is focused on violence against women and is informed by the findings of the in-house evidence (Chapter Two) and policy (Chapter Three) review. (Chapter Two was written in conjunction with the School of the Built Environment at Heriot-Watt University).

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4 For this Violence Against Women report.

2 VIOLENCE AGAINST WOMEN: A REVIEW OF KEY RESEARCH EVIDENCE AND STATISTICAL DATA

Introduction

2.1 This Chapter looks at the nature and extent of violence against women, risk factors which increase women’s vulnerability to violence and service provision for women experiencing violence.

2.2 Then, the focus is on particular issues such as domestic abuse, housing and homelessness and the impact of violence against women on children and young people. In addition, violence against ethnic minority women, against disabled women and against lesbian, gay and bisexual (LGB) women are discussed and human trafficking issues highlighted.

2.3 Finally, the links between violence against women and multiple and complex needs and, men as victims of domestic abuse are considered.

2.4 The focus is on the Scottish context although key pieces of non-Scottish evidence have been drawn upon to provide additional evidence on some violence against women issues (where Scottish evidence is limited).

Violence Against Women: Nature and Extent of the Phenomenon

Defining Violence Against Women

2.5 In order to support a shared understanding of violence against women, Safer Lives (Scottish Government 2009a) provides a definition of violence against women which recognises such violence is gendered and complex and encompasses many forms. This definition includes:

“actions which harm or cause suffering or indignity to women and children, where those carrying out the actions are mainly men and where women and children are predominantly the victims. The different forms of violence against women – including emotional, psychological, sexual and physical abuse, coercion and constraints – are interlinked. They have their roots in gender inequality and are therefore understood as gender-based violence” (Scottish Government 2009a, p.7).

2.6 Violence against women includes but is not limited to:

• Physical sexual and psychological violence occurring in the family, within the general community or in institutions, including: domestic abuse, rape, incest and child sexual abuse.

• Sexual harassment and intimidation at work and in the public sphere; commercial sexual exploitation, including prostitution, pornography and trafficking.

• Dowry-related violence.

• Female genital mutilation.
• Forced and child marriages.

• Honour crimes.

2.7 Terms which are used in discussing this phenomenon include domestic abuse, partner abuse, stalking, harassment, and sexual assault. While these terms are related, it is important to be aware of the distinctions between them, for example:

“Domestic abuse (as gender-based abuse) can be perpetrated by partners or ex-partners and can include physical assault (assault and physical attack involving a range of behaviour), sexual abuse (acts which degrade and humiliate women and are perpetrated against their will, including rape) and mental and emotional abuse (such as threats, verbal abuse, withholding money) and other types of controlling behaviour such as isolation from family and friends” (Scottish Executive 2003a, p.3).

Violence Against Women: Extent of the Phenomenon

Domestic Abuse

2.8 There were 53,681 incidents of domestic abuse in Scotland recorded6 by the police in 2008-09 (Scottish Government 2009b). These statistics show that women are far more likely to be victims than men, with incidents involving a female victim and male perpetrator representing 84% of all incidents of reported domestic abuse in Scotland in 2008-09 (Scottish Government 2009b).

2.9 In 2008-09, the overwhelming majority (89%) of incidents of domestic abuse took place in a house/home. This was more likely (94%) if the victim and perpetrator co-habited (i.e. spouse or co-habitee). In all other relationships, 86 per cent of all incidents took place in a house/home when the location was recorded (Scottish Government 2009b). “This shows that an overwhelming majority of domestic abuse cases still take place “behind closed doors” (Scottish Government 2009b, p.6).

Partner Abuse

2.10 The Scottish Crime and Justice Survey7 (SCJS) is a large-scale continuous survey measuring people’s experience and perceptions of crime in Scotland. Findings on Partner Abuse8 (MacLeod et al 2009a) found that in the majority of cases, where partner abuse was experienced since the age of 16, the gender

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6 The Scottish Government (2009b) note that, “these statistics do not reveal all the incidence of domestic abuse committed. Not all incidents are reported to the police. A number of reasons have been found for such under-reporting. For example, victims experience fear and shame as common effects of domestic abuse. In addition, under-reporting may also be caused by a perpetrator physically preventing a victim reporting the domestic abuse.”

7 The SCJS is based on 16,000 in-home, face-to-face interviews conducted annually with adults (aged 16 and over) living in private households in Scotland. The results are presented in a series of reports, see: http://www.scotland.gov.uk/Topics/Statistics/Browse/Crime-Justice/crime-and-justice-survey

8 It should be noted that the terms partner abuse and domestic abuse are not always describing the same dynamic – partner abuse includes violence used/perpetrated by both partners either at the same time or interchangeably whereas domestic abuse is understood as gender-based abuse where one partner, predominantly the woman is the victim and the other partner, predominantly the man, is the perpetrator. Both partner and domestic abuse are also found between same-sex partners.
of the abusive partner was male (60%); thirty-eight per cent were female. For four per cent of men and one per cent of women, abusive partners were of the same gender. Further, nine per cent of adults who had a partner since the age of 16 considered they had been a victim of domestic abuse (self-defined); women (14%) were more likely to consider themselves to have been a victim of domestic abuse than men (3%).

Rape and Sexual Assault

2.11 The number of crimes of indecency recorded by the police in 2008-2009 was 6,331. Of these, the number of sexual assault cases recorded was 2,603; 821 recorded cases of rape, 142 recorded cases of assault with intent to rape and 1,640 recorded incidents of indecent assault (Scottish Government 2009c).

2.12 Further, Walby and Allen (2004) found that 83% of rapists are known to the women they rape.

Stalking and Sexual Victimization

2.13 The Scottish Government (2009a) highlights studies that show between 78% and 86% of stalking victims are female, with between 18% and 31% experiencing sexual violence within the context of stalking behaviour.

2.14 The Scottish Crime and Justice Survey (MacLeod et al 2009b) found that more than half (56%) of adults experiencing at least one form of serious sexual assault\(^9\) were assaulted by their partner with nine in ten (90%) saying the offender(s) was male and eight per cent saying the offender(s) was female. Further, almost all (96%) women experiencing any form of less serious sexual assault\(^10\) since the age of 16 said the offender(s) was male.

Homicide

2.15 Female homicide victims are most commonly killed in a dwelling with the motive being rage/fight with a partner and, in 53% of homicide cases in Scotland over the last 10 years (1997-2007), where a woman aged 16-69 was the victim, the main accused was the woman in question’s partner\(^11\) (Scottish Government 2007a).

Forced Marriage

2.16 In 2009, the United Kingdom Government’s Forced Marriage Unit dealt with 375 cases of forced marriage, of which 1% originated from Scotland (Scottish Government 2010a).

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\(^9\) Including: forcing/attempting to force someone to have sexual intercourse or forcing/attempting to force someone to take part in other sexual activity when they did not want to.

\(^10\) Including: indecent exposure; sexually threatening behaviour; touching sexually when it was not wanted.

\(^11\) In considering the relationship of the main accused person to a victim, partner includes: spouse, separated or divorced spouse, co-habitee, lover, boy/girlfriend but not necessarily ex-boyfriend/girlfriend pre-2000/01, as these may have been recorded as simply acquaintances. Partner figures for 2000-01 onwards do include ex-boyfriend/girlfriend.
Female Genital Mutilation

2.17 It is difficult to quantify the scale of Female Genital Mutilation (FGM) in Scotland. A study in England and Wales in 2007 (Drokenoo et al 2007) estimated that nearly 66,000 women aged between 15 and 49 living in the UK had undergone FGM and over 20,000 girls were at risk.

Cost of Violence Against Women

2.18 The Scottish Government (2009a, p.12) notes that although the cost of violence against women is difficult to quantify, Walby (2004) estimated the cost of domestic abuse in England and Wales to be £23 billion. The cost to the public purse of violence against women is estimated to be almost double this figure at £40 billion (Jarvinen et al 2008). The Scottish Government (2009a, p.12) states that, “Given the Scottish population is roughly 10% that of England, this indicates that some £2.3 billion could be the cost to the Scottish public purse of domestic abuse and £4 billion the cost of violence against women”.

Risk Factors which Increase Women’s Vulnerability to Violence

2.19 Violence experienced by women is commonly carried out by men known to them – forty per cent of domestic abuse cases recorded in Scotland in 2008-09 involved victims and perpetrators who were ex-partners or ex-spouses (Scottish Government 2009b). As indicated at 2.9, co-habitation can be a risk factor, with incidents involving co-habitees or partners accounting for 44 per cent of all cases compared to incidents involving spouses which accounted for 16 per cent of all cases (Scottish Government 2009b).

2.20 An earlier study in England and Wales (Walby and Allen 2004) found that 83% of rapists were known to their victims but found a slightly different trend for other forms of sexual abuse: 25% of those experiencing stalking and harassment and 73% of those who had experienced indecent exposure said they had never seen the offenders before.

2.21 Scottish Crime and Justice Survey data on partner abuse for 2008-2009 indicated that women’s vulnerability to abuse is most likely to be experienced by those aged 16-24 (13%); those who have experienced other crimes (10%); and, those living in the 15% most deprived areas of Scotland (10%) (Macleod et al 2009a). Other established risk factors are for example, pregnancy and the presence of children (Walby and Allen 2004).
2.22 Greenan (2004, p.7) highlighted that significant numbers of women are victims of more than one type of violence:

“In describing the acts of abuse perpetrated by different men, at different points in their lives, women survivors of male violence consistently make the connection between child abuse, rape, domestic violence and commercial sexual exploitation.”

2.23 Further, many women experience repeat victimisation - for those incidents where information was available on whether or not victims had previously been recorded as a domestic abuse victim, 61% involved known repeat victimisation (Scottish Government 2009b).

2.24 However, despite established links between different forms of violence against women, the nature of the violence, its consequences, and the interventions required, policy-makers and service providers tend to compartmentalise their responses to women’s experiences.

2.25 Part of the difficulty in addressing the problem lies in the widespread acceptance of the phenomenon. As much as a third of men and a sixth of women in a Scottish study involving 1,395 young people aged 14-18 held the view that the use of violence in intimate relationships was acceptable under certain circumstances (Burman and Cartmen 2005). The importance of countering these attitudes is highlighted by the significant impacts of violence on the health and socio-economic status of women, as well as on the health and wellbeing of children and young people who witness violence against their mothers and other women (Greenan 2004).

Service Provision for Women Experiencing Violence

Mapping Provision

2.26 Encouragingly, a mapping exercise on the provision of services for women experiencing abuse found that although “women in the UK face a postcode lottery in their access to basic support services, … the best story to be told is in Scotland where provision is distributed more equally” (Coy et al 2007). A follow-up study found that Glasgow had the best provision in Britain, but noted that ethnic minority women were especially poorly served in Scotland, as well as in England and Wales (Coy et al 2009). Greenan’s (2004) earlier review also pointed towards a more mixed picture. Greenan highlighted the scarcity of services for children and young people affected by violence against women, and the dearth of services for ethnic minority women, women with disabilities, lesbian women, and older women.

2.27 Indicating the need for increased capacity building among staff on tackling violence against women, a Scottish study of education and training in this area found limited training and education particularly within the social work, education, housing, and health sectors (Hurley et al 2007). Hurley et al found that skills and understanding in dealing with violence against women were not regarded by professional bodies to be a pre-requisite for entry to specific public sector professions. Significantly, their report revealed a tendency to view violence against women as another “single issue” or “special interest group”, rather than a universal problem affecting a sizeable proportion of the
population. Hurley et al (2007) stated that this misconception of the significance and reach of violence against women means that low priority is accorded to addressing the problem.

**Multi-agency Working**

2.28 Multi-agency working has consistently been recommended as a means of addressing and supporting women experiencing domestic abuse (for example see: Housing Quality Network Services (HQNS) UK 2004; Pawson et al 2006; Audit Commission 2007; and, COSC (National Office for the prevention of domestic, sexual and gender-based violence) 2008).

2.29 In Scotland, *Safer Lives: Changed Lives A Shared Approach to Tackling Violence Against Women in Scotland* (Scottish Government 2009a) provides a shared understanding (see 2.5-2.6) and integrated approach to guide the work of all partners to tackle violence against women and in particular support joined-up policy and practices around the issues of (the 4 Ps’): Prevention, Protection, Provision and Participation (see Chapter Three, 3.21).

2.30 However, Netto et al (2009) state that despite widespread policy-maker recognition of the need for multi-agency working in supporting victims of violence, practice in this area is still developing as agencies grapple with the practical demands for a common terminology, working arrangements for information-sharing between agencies, an in-depth understanding of the roles of different agencies and the need for specialist support and trained staff.

**Summary – Nature and Extent of the Phenomenon, Risk Factors and Service Provision**

- Violence against women includes (but is not limited to): physical sexual and psychological violence occurring in the family, general community or in institutions; sexual harassment and intimidation at work and in the public sphere; sexual exploitation; dowry-related violence; female genital mutilation; forced and child marriages; and, honour crimes.
- These different forms of violence against women – including emotional, psychological, sexual and physical abuse, coercion and constraints – are interlinked. They have their roots in gender inequality and are therefore understood as gender-based violence.
- There were 53,681 incidents of domestic abuse in Scotland recorded by the police in 2008-09. Women are far more likely to be victims than men, with incidents involving a female victim and male perpetrator representing 84% of reported incidents.
- The number of crimes of indecency recorded by the police in 2008-09 was 6,331. Of these the number of sexual assault cases recorded was 2,603; 821 recorded cases of rape, 142 of assault with intent to rape and 1,640 incidents of indecent assault.
Domestic Abuse, Housing and Homelessness

2.31 Both in the United Kingdom (UK) and elsewhere, domestic abuse has long been recognised as a major contributory factor to homelessness (for example see: Shinn et al 1998; and, Spinney 2006, 2007). Research and official statistics have shown that women are more likely to be victims and to report related loss of accommodation (Davis 2005; Scottish Government 2010b). Further, studies have shown that women’s vulnerability to homelessness is likely to be related to their differential access to housing, due to their disadvantaged position in the labour market (Munro and Smith 1989; Watson 1999).

2.32 The Scottish HL1 Homelessness Statistics for 2008-09 showed that 11% of all homelessness application cases (6,160) involved domestic disputes which were “violent or abusive” (Scottish Government 2010b).

2.33 In 2008-09, for household applications with children, 34% cited household disputes as the main reason for their application - 16% (2866) of these cited “a violent or abusive dispute” (Scottish Government 2010b). However, it should be noted that it is likely that these statistics do not represent the full extent of the problem, since many women experiencing domestic abuse may not cite domestic abuse as “the main reason” for leaving the family home (Edgar et al 2003; Netto et al 2009).
2.34 Others who have lost their homes in such circumstances may not present immediately to homelessness units, but may for example, self-refer to a refuge and from there, apply directly to a Local Authority housing register or to a housing association, instead of making a homelessness application (Jones 1998; Edgar et al 2003).

**Youth Homelessness**

2.35 Domestic abuse is also a significant cause of youth homelessness, along with family disruption, parental neglect or abuse and other forms of childhood trauma (Smith et al 1998). Quigars et al’s (2008) analysis of 2006-2007 Scottish statistics showed that 21% of young parents had experienced a violent relationship breakdown and 16% left their parental home for this reason (cited in Scottish Government 2010b).

**Support/Prevention**

2.36 Action taken to prevent homelessness has traditionally concentrated on supporting victims who are fleeing domestic abuse rather than being directed against the perpetrator, leading some analysts to argue that unequal power relationships manifested in domestic abuse remain unchecked and unchallenged (Malos and Hague 1997). In the UK, and in other countries such as Australia, responses have been typically reactive and crisis-driven (Spinney 2007). Refuges have traditionally been the main response to supporting women threatened with homelessness due to domestic abuse. Domestic abuse victims are provided with temporary shelter and supported in making the transition to independent living. Such responses have often entailed considerable upheaval for women and children involved (Netto et al 2004; Pawson et al 2007; Sharp 2008).

**Refuges**

2.37 On refuges, Scottish Women’s Aid report\(^{12}\) that there are 505 household places (household defined as a space for a woman\(\backslash w\)oman and her children) in Scotland. Of these 223 are shared and 286 are self-contained. This is a reduction from 520 household spaces provided as refuge accommodation from Scottish Women’s Aid’s (2008) survey due to the closure of accommodation provided as refuges to women’s aid in Aberdeen and Falkirk.

2.38 Scottish HL2 Homelessness Statistics at 31 December 2009 showed there were 123 households in Scotland in Women’s Refuge accommodation, 78 of which were households with pregnant women or dependent children, and the total number of dependent children in these households was 128.

2.39 According to figures reported by Scottish Women’s Aid (2007), 23% of refuge requests in Scotland were accommodated by women’s aid groups and, the extent to which Local Authority areas were able to meet refuge requests for women and their children varied across Scotland; most groups accommodated fewer than 1 out of 3 women and their children who requested refuge during the year 2006-07.

\(^{12}\) Scottish Women’s Aid (email update, 22 June 2010).
2.40 Scottish Women’s Aid reported that lack of refuge space (68%) was the primary reason why women and children were not admitted to refuge and this lack of refuge space meant that women’s aid groups were unable to accommodate half of the children and young people for whom refuge was requested. However, when women left the refuge between April 2006 to March 2007 more than 1 in 3 were re-housed in either council, housing association or privately owned properties. Only 16% returned to their partners (Scottish Women’s Aid 2007).

2.41 A Scotland-wide study on refuge provision provided by the Women’s Aid Network found that standards within refuge provision varied by type of accommodation, including traditional shared refuges, cluster refuges and dispersed flats¹³ (Fitzgerald et al 2003). The most preferred form of refuge amongst women, children and workers was that of cluster refuges, with a minority preferring dispersed flats. Most women interviewed were positive about the practical and emotional support received and expressed a preference for on-site support and access to 24-hour emergency support. Provision for children was also largely positively commented on, although it was found that there was scope for more contact with support workers. However, only one-third of the Women’s Aid groups felt they had sufficient resources to provide needed support for refuge residents.

2.42 Fitzgerald et al (2003) found that Women’s Aid groups in Scotland reported greatest difficulties in accommodating women with drug and alcohol problems, women with male children over the age of 16, women with serious mental health problems and asylum-seekers, suggesting that specialist provision may be needed.

2.43 United Kingdom-wide research has found that accessing refuge accommodation in a preferred location can prove problematic, due to the overall shortage of provision (Levison and Harwin 2001; Davis 2005). Further, Levison and Kenny (2002) showed that women leaving home due to domestic abuse often faced problems in accessing appropriate support, highlighting the importance of timely and pro-active early intervention.

Local Authority Provision

2.44 Scottish homelessness statistics in 2008-2009 showed that around nearly four-fifths of women applying to Local Authorities secured permanent accommodation, with 52% securing a Local Authority tenancy and 26% securing a housing association tenancy (Scottish Government 2010b).

2.45 Edgar et al (2003) found that most of the women interviewed in their study were able to sustain their tenancies, with the most important factor identified being the quality of the dwelling and the neighbourhood. However, the study also

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¹³ Shared refuges: a flat or house in which different families share facilities such as kitchens, living rooms and bathrooms. They may also contain additional communal facilities such as children’s rooms or an on-site Women’s Aid office. Cluster refuges: a number of separate flats grouped together in the same building/complex. The flats maybe shared or used to accommodate only one family. They may also contain additional communal facilities. Dispersed flats: individual flats spread across an area, usually used as single occupancy accommodation (Fitzgerald et al 2003).
found that support for re-housed women and children was either almost entirely absent or where it existed, of short duration. Where tenancies failed, this was attributed to harassment or re-engagement with the perpetrator of the abuse.

2.46 Further, Pawson (2001) had stated that after leaving the family home, women moving into accommodation that is inadequate to meet their needs, may partially explain the link between domestic abuse and repeat homelessness in Scotland.

Repeat Homelessness

2.47 Indeed, analysis of 2008-2009 Homelessness Statistics for Scotland showed that repeat homelessness accounted for around 11% of the 4,656 priority need applicants who stated that they were fleeing domestic abuse (Scottish Government 2010b). While the precise reasons behind these figures are not known, it is possible that many women may return to a violent partner, only to leave the family home again, after further outbreaks of violence. Overall, it would appear that recent evidence of the extent to which the provision of accommodation and support, including re-housing support, meets the needs of women and children facing domestic abuse in Scotland is lacking (Scottish Government 2010b).

Violence Against Women, Prostitution and Homelessness

2.48 Women working as prostitutes have traditionally been viewed either as victims corrupted by others or poverty, or as deviant or criminalised (McNaughton 2002). Prostitution has also been condemned as a form of sexual violence in which women are exploited by men (Jeffreys 1997).

2.49 A small Edinburgh-based qualitative study explored the links between prostitution and homelessness among prostitutes using the support services of an agency in Leith (McNaughton 2002). A sample of eight women were interviewed. All of them had experienced homelessness before gaining temporary or permanent accommodation, and some had slept rough. Most had first left home because of conflict, abuse or violence and the younger girls interviewed regarded entry into prostitution as a survival strategy (McNaughton 2002).

2.50 McNaughton (2002) found that fear of violence was a dominant concern, evident in participants’ dissatisfaction with their current housing conditions that they attributed to the location of their council housing in stigmatised, disadvantaged areas where crime was rife. The participants in McNaughton’s study shared similar aspirations with the majority population in their desire for housing that was in good condition and in a safe area, where they could settle permanently. At the time, McNaughton suggested that women working in these areas may be less safe than before because of the abolition of the "tolerance zone" policy in Edinburgh. While this small study may have reflected certain specific local issues, it provided useful insights into the relationship between women’s past and continued vulnerability to violence, their limited housing options and prostitution.
New Approaches – Sanctuary Model

2.51 Given the upheaval experienced by women and children on leaving the family home, new approaches to homelessness prevention have been developed which enable women to remain in the family home. One approach is the Sanctuary model, where women facing possible homelessness due to domestic violence are supported to remain in their current residence, protected against the threat of further attack from outside the home through enhanced security measures. Although such measures are now widespread in England (Netto et al 2009), in Scotland only one Sanctuary model has been developed and evaluated (Scottish Government 2010b).

2.52 The evaluation of the Edinburgh-based Safe as Houses project reported generally positive messages from clients of the service and service providers, including increased confidence and wellbeing among service users (Sharp 2008). However, Netto et al (2009) argue that while the Sanctuary model is effective for some women who are faced with domestic abuse, it is not an appropriate option for all women since such models place responsibility on individuals to call for help when threatened by the perpetrator. Hence, they see the need for continuing provision of refuge accommodation, alongside more recent innovations.

“No Recourse to Public Funds”

2.53 The issue of how women who have “no recourse to public funds” due to their immigration status are provided for is particularly problematic as organisations such as Women’s Aid are unable to provide support without sustaining loss of income. A Scottish Women’s Aid survey carried out in 2008 found that most women with “no recourse to public funds” were not accommodated. In 2007-2008, 106 of 139 women requesting refuge accommodation from women’s aid groups in Scotland had to be turned away for this reason. The cost of accommodating the other 33 women and their children - £120,047 – was absorbed by the women’s aid groups through loss of potential rent income (Scottish Women’s Aid 2008; 2009). The survey report called for the Scottish Government to exert pressure on the UK Government to provide funding for services for affected women and children.

2.54 The Home Office is currently running the “Sojourner” pilot scheme through which women with “no recourse to public funds” are provided with funding for accommodation and living costs for a period. Some women in Scotland have benefitted from this scheme, which is due to run until September 2010.

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14 See Scottish Government (2010b) for more details.
15 “Women with “no recourse to public funds” are women who, because of their insecure immigration status, are not entitled to welfare benefits or temporary or permanent Local Authority housing. Women in this position are in the UK legally on spousal, work, student or other temporary visas – all with the “no recourse to public funds” condition attached to their stay” (Scottish Women’s Aid 2008, p. 2).
Effectiveness of Exclusion Orders

2.55 The Scottish Government (2010b) noted that Scottish Women’s Aid has recently commissioned research into the use and effectiveness of exclusion orders\textsuperscript{16} (see Appendix One) granted using the Matrimonial Homes (Family Protection) (Scotland) Act 1981 to prevent the homelessness of women, children and young people as a result of domestic abuse. The Scottish Government (2010b) highlights that previous research (Sharp 2008) found that obtaining exclusion orders with adequate force to protect women while they remain in the family home is difficult because of limited victim-centred legal processes and professional attitudes. Further, Sharp (2008) found that even where orders were obtained, they tended not to be enforced adequately.

Children and Young People

Impact

2.56 Most of the existing literature on the impacts of violence against women on children centres on domestic abuse, where there is increasing recognition that the effect on children can be long-lasting and profound (Humphries and Stanley 2008).

2.57 In an international review of literature commissioned by the Scottish Government, Humphreys et al (2008) detailed the emotional, physical and sometimes sexual abuse that perpetrators inflict on children and young people, their mothers and siblings. Factors which influence risks that children are exposed to include the severity of violence; whether they are directly abused; the extent to which their needs are neglected; mothers’ ability to maintain parenting abilities; level of family and community support; mothers’ mental health and learning of “survivorship.” The report stressed that it is important not to “over-pathologise” children who have lived with violence since some children do not appear to be adversely affected. However, it called for early intervention to support pregnant women, and women with infants and young children.

Children’s Perspectives

2.58 Humphreys et al (2008) also highlighted the need for children’s perspectives and fear to be taken more seriously, and for children to be involved in major decisions which affect them.

2.59 Children’s perspectives on what helps indicate that they want to be safe; have someone to talk to that they trust, particularly their mother and siblings; and that they value the support of their siblings, wider family and friends. Further, they want adults to stop the abuse and to get away from the perpetrator, to be

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\textsuperscript{16} “A married woman can apply to the court for an exclusion order if her husband’s behaviour has been, or she fear it will be, injurious to her own or her children’s physical or mental health. If it has been granted her husband will be given a few days to move out of the home. The exclusion order lasts until the marriage ends by death or divorce, or until it is recalled by the court. If the woman moves house the exclusion order is no longer valid. A co-habiting woman who is sole owner or tenant does not need to apply for an exclusion order, unless her partner has had occupancy rights granted. A co-habiting woman whose partner is the sole owner must apply to court for occupancy rights at the same time as applying for an exclusion order” (Scottish Government 2010b, p.17).
informed about what is happening and to take part in decision-making (Humphreys et al 2008).

2.60 Many of these findings are echoed in an Edinburgh-based study (Stafford et al 2007). Young people interviewed had “highly sophisticated” understandings of their own situation, strategies for coping and opinions about what should happen next, and wanted to be involved in decisions affecting them. Further, children interviewed placed value on being able to talk to someone about their experiences in complete confidence. The study also found that while young people valued maternal support, friendships were also very important to them, as was support from the wider family where it existed.

2.61 Stafford et al (2007) also reported strong messages from interviews with young people – these were the need to get out of violent situations, and to persuade their mother to leave. Young people interviewed said that they had found leaving home for the first time sudden and confusing, since they did not have full information about what was happening or why. Many said they had left with few or no belongings, leaving behind siblings, pets and precious things but that they had found subsequent moves, which were planned, to be less disruptive. Stafford et al (2007) also provided insights of life in refuges from the perspective of young people, which were largely positive. This included feeling safe, making new friends with young people in similar circumstances and being supported by dedicated children’s support workers.

Support

2.62 Humphreys et al (2008) highlighted that agencies need more support in dealing with children who are affected by domestic abuse in their own right, including the provision of outreach work to support those who are not in refuges. The study emphasises the need for an integrated system of protection, stating that multi-agency projects are most effective when efforts are directed to improve outcomes for both adult and child victims.

2.63 Further, Humphreys et al (2008) highlighted that effective intervention with perpetrators is important for the wellbeing of children, but cautioned that separation requires careful planning – key issues which need to be considered are children’s consent, confidentiality and child protection.

Primary Prevention - Education

2.64 Humphreys et al (2008) also considered the need for a longer-term strategy of primary prevention against domestic abuse through education. They identified key components of such a strategy to include: regular broad public education campaigns which employ a range of media to reach different audiences; the inclusion of children under 16 in the evaluation of such campaigns; developing and delivering public education campaigns specifically for children; and, support for more school-based work which raises awareness of the problem. They recommended that such work should be conceptualised within a (Human and Children’s) Rights framework and that a national network should be developed to assist in sharing best practice and provide on-going support and guidance.
Violence Against Women from Ethnic Minority Communities

2.65 Scottish data on violence against ethnic minority women is limited, partly due to the small size of the population, the invisibility of the phenomenon, and issues relating to data collection and monitoring. The 2001 census showed that there were approximately 100,000 people from ethnic minority communities living in Scotland, about 2 per cent of the total population. Data from the Hemat Gryffe Women’s Aid agency in Glasgow reported 2,683 contacts with ethnic minority women between April 2007 and March 2008 (Avan et al 2005).

2.66 Violence against women in ethnic minority communities may take different forms from that in the majority population, and include female members of the extended family (Avan et al 2005; Brandon and Hafez 2008). Brandon and Hafez (2008) indicated that there may be an “honour-based dimension” to such violence, where abuse aims to protect the family reputation from gossip and slander, for example if women are seen to defy parental authority or breach community norms. The Asian Women’s Resource Centre (AWRC) (2007) reported that Asian communities often hold women responsible for maintaining family and community honour, and to report domestic abuse can bring “izzat” (shame).

2.67 Brandon and Hafez (2008) further noted that drug and alcohol abuse and economic factors, such as the stresses caused by unemployment which is high in certain communities, can also fuel such violence. Honour killings are highlighted as the extreme example where community values and interests are imposed upon individuals at the expense of the most fundamental individual rights, the right to life. The police and the Crown Prosecution Service estimate
that an average of 10 to 12 women are killed in honour-based violence every year in the UK, but exact numbers are not known and could be higher (Brandon and Hafez 2008).

2.68 In light of the above, it has been suggested that ethnic minority women may stay longer in abusive relationships due to their specific vulnerabilities to domestic abuse/violence against women (Brandon and Hafez 2008). Alongside honour-based dimensions, these may include a tolerance of such abuse in certain communities, lack of awareness by women of their rights and language barriers (Netto et al 2004; Brandon and Hafez 2008).

2.69 For example, the National Society for the Prevention of Cruelty to Children’s (NSPCC) report found that refusal to allow women to learn English formed a part of abuse of immigrant women in the UK (Izziden 2008). This could also be a barrier to accessing service provision if interpreters are not available. Often women rely on family members or children, which is not appropriate in many circumstances. For example, Gill (2004) noted that the collusion of other family members to the abuse is often a factor in UK Asian Women’s experiences of domestic abuse, and that this needs to be recognised by service providers. Further, even with interpreters there is an increased chance of miscommunication (The Nisaa Project 2004).

2.70 Further, studies have shown that ethnic minority women, particularly South Asian women, are less likely to define their experience as abusive, especially if the abuse is emotional rather than physical (The Nisaa Project 2004). The Nisaa Project found that this was also particularly true in terms of sexual abuse.

Service Provision

2.71 The Map of Gaps (Coy et al 2007) (see 2.26) found less than 10% of Local Authorities in the UK had specialised violence against women services for ethnic minority communities, and no specialised sexual assault agency. They identified two violence against women services specifically for ethnic minority women in Scotland. Further, Moody and Clarke (2004) highlighted that the concentration of services for ethnic minority people in urban areas prevents victims in other areas from accessing help.

2.72 The Asian Women’s Resource Centre (AWRC) noted that the level of evidence required for women seeking help against domestic abuse can be difficult to obtain, particularly for women wary of the police or who do not understand the legal system (AWRC 2005). Therefore, service providers need to tackle barriers to access faced by ethnic minority women to address lack of knowledge and willingness to access mainstream services and fear of loss of confidentiality through using services set-up to meet the needs of ethnic minority people (Netto et al 2004; Brandon and Hafez 2008). For example, the NSPCC reported that mothers who were being abused often had the additional fear that their children would be taken out of the country (Izziden 2008).

2.73 Further, Gill (2004) identified lack of independent immigration status as a problem for South Asian women in the UK, specifically women affected by the “no recourse to public funds” rule (see 2.53-2.54) – Hemat Gryffe in Glasgow reported that 40 women were turned away under this rule (Hermat Gryffe 2008).
Forced Marriage

2.74 Forced marriages in a wide range of communities have received increasing attention in recent years, with the setting up of the Forced Marriage Unit (FMU) by the Home Office and The Foreign and Commonwealth Office in 2005. In Scotland, the then Scottish Executive established a national Forced Marriage Network to co-ordinate national responses to forced marriage and to facilitate linkages with other developments across the UK (see Chapter Three, 3.39-3.42). The Foreign and Commonwealth Office (FCO) have defined forced marriage as:

“a marriage conducted without the valid consent of one or both parties, where duress is a factor.”

2.75 Duress includes physical and emotional pressure. The FCO distinguish such marriages from arranged marriages, based on whether consent is given or not. It points out that arranged marriages have successfully operated in many communities and countries over a long time. Motives highlighted for forced marriages include the maintenance of family honour and pride; strengthening of ties with the extended family (including those living outside the UK); control of behavioural patterns in accordance with traditional norms, poverty, preservation and creation of family wealth, pregnancy outside of marriage and being gay (Brandon and Hafez 2008; Chantler et al 2009). Accordingly, although the FMU deals with an average of 300 cases every year, the total number of cases is likely to be much higher.

2.76 Forced marriages can occur in many communities, including South Asian, Kurdish, Arab, African, African Caribbean, Iranian, Turkish, Irish Traveller and mainland Chinese and Eastern European communities (Brandon and Hafez 2008; Chantler et al 2009). Current UK and European policies have focused on raising awareness of the phenomenon, providing support for victims and preventing forced marriages through raising the age of sponsorship and marriage for non-European Union (EU) nationals migrating to the UK from 16 to 18.

2.77 However, Chantler et al (2009) argued that such an approach is limited and that issues of poverty, gender inequality, violence, immigration and asylum are more salient than age. They also argued that the increase in age was considered by many to be a breach of human rights and a measure to control immigration rather than a measure to address forced marriages occurring within the UK or EU countries. The study called for greater attention to be paid to community education, strategic planning at a local level, training and development for frontline staff and greater support for victims, including enabling them to leave forced marriages. Indicating that forced marriage is also of concern in Scotland, Shakti17, an Edinburgh-based domestic abuse agency for ethnic minority women organised a conference to address this issue in 2007.

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17 Shakti offers support, advocacy and information to all ethnic minority women, children and young people experiencing/or fleeing domestic abuse from: partners/husbands, ex-partners, or from other family members: [http://www.shaktiedinburgh.co.uk/](http://www.shaktiedinburgh.co.uk/)
**Female Genital Mutilation (FGM)**

2.78 Female genital mutilation (FGM) refers to procedures that intentionally alter or injure female genital organs for non-medical reasons. These procedures can cause severe bleeding, difficulties with urinating, potential childbirth complications and newborn deaths. It is most commonly carried out on young girls between infancy and the age of 16 (Home Office, undated) and is often carried out by women. It is internationally recognised as a violation of the human rights of girls and women and illegal to practice in the UK. Female genital mutilation has been viewed as deeply entrenched in the values and norms of certain communities, and employed as a preventative measure against female infidelity and sexual independence by reducing women’s sex drive (Drokeno et al 2007; Brandon and Hafez 2008).

2.79 The Female Genital Mutilation Act\(^{18}\) became law in England, Wales and Northern Ireland in 2003, and Scotland amended its legislation in-line with this Act in 2005\(^{19}\). However, no-one has yet been prosecuted for the offence, indicating the difficulty of detection (Brandon and Hafez 2008), but a number of small-scale studies have suggested that the practice is continued in specific African communities in the UK (Drokeno et al 2007), and may be extending to other communities (Brandon and Hafez 2008).

2.80 Drokeno et al (2007) estimated that nearly 66,000 women with FGM were living in England and Wales in 2001. Numbers are likely to have increased since then but the absence of surveys on women’s sexual health make it impossible to ascertain this. Drokeno et al highlighted the need not only to enhance healthcare for girls and adult women who have already undergone FGM but for systematic action to prevent the tradition from being passed on to the next generation.

**Violence Against Disabled Women**

2.81 The extent of violence against disabled women is difficult to estimate given difficulties in estimating the number of disabled people as well as the number of disabled women. Scotland is estimated to have nearly one million disabled adults, with 20% of people in the Scottish Census reporting a health condition, disability or long-term illness (Disability Rights Commission\(^{20}\) (DRC) 2004).

2.82 A UK-based study found that up to half of disabled people may have experienced domestic violence (Magowan 2003). However, since disabled people are less likely to be in paid employment and more likely than the general population to earn less than £10,000 a year they may experience greater difficulty in leaving abusive relationships (DRC 2004). Partners, who may also be carers, could also possibly increase the difficulties of victims of violence leaving abusive relationships through limiting their mobility (in the case of physically disabled women), controlling medication, playing on disablist attitudes (no-one else will help you) and threatening custody of children (Hague et al 2008).


Service Provision

2.83 Radford et al’s (2008) survey of disabled women who had experienced domestic violence found that very few women had accessed formal support for help. No disability services in Radford et al’s survey kept records relating to domestic abuse. The same study found low awareness of disability among domestic violence service providers, although they had all worked with disabled women and sought to be inclusive.

2.84 Radford et al found that cost was a major factor in making structural changes to ensure spatial accessibility, but some changes were made to tailor services to user needs, including provision of outreach services and making materials accessible.

2.85 Data on the use of refuges found that 7% of women had physical or sensory impairments (Hague et al 2008). Hague et al found that many refuges were not accessible for women using wheelchairs, or who needed accommodation for their personal assistants, and that others did not cater for women with mental health problems. In this study, the needs identified by disabled women who had experienced domestic violence were: more accessible refuge accommodation and other safe housing, more outreach services, better publicity and advertising to raise awareness of services and greater awareness of the needs of disabled people in domestic violence services (Hague et al 2008).

Violence Against Lesbian, Gay, Bisexual and Transgender (LGBT) Women

2.86 The Scottish Government estimate that around 5% of the population are LGBT (approximately 250,000 people) (Scottish Government 2008a).

2.87 Feeling safe out-with the domestic context is often an issue for LGBT people, although the lack of gender-based LGBT data makes it difficult to assess the extent to which LGBT women are victims of violence. A Beyond Barriers (2002) survey of over 920 LGBT people found that 23% had suffered physical assaults in relation to their sexual/gender identity and 66% had been verbally abused or threatened.

Lesbian, Gay and Bisexual Women

2.88 Of the 53,681 incidents of domestic abuse recorded by the Scottish police in 2008-09, 1,184 of these incidents were recorded for same-sex couples; 546 for male same-sex couples and 638 for female same-sex couples (Scottish Government 2009b).

2.89 A recent Stonewall Scotland (2008) survey reported on the significance of domestic violence in lesbian, gay and bisexual (LGB) communities. The survey of over 500 LGB women found that one in four had been victims of such violence, and that in two-thirds of these cases, the perpetrator was a woman. Of these the survey found that 4 out of 5 LGB women had not reported incidents of domestic violence to the police, and of those that had only half were happy with the response.
2.90 An earlier report by Stonewall Scotland (2003) found that whilst most issues around domestic abuse are similar in relationships regardless of sexual orientation, there are additional issues in same-sex domestic abuse situations. These include: threats to publicise someone’s sexuality; undermine someone’s sexual identity; create or exacerbate internalised homophobia; anxiety around the loss of access to children as a gay parent; lack of recognition of same-sex domestic abuse in lesbian and gay communities; and, fear of isolation if abuse is reported.

Service Provision

2.91 The Map of Gaps reports (Coy et al 2007; 2009) did not mention LGBT provision in its analysis of the availability of services for violence against women (see 2.26). The following section indicates that it cannot be assumed that LGBT women will be included in generalised support.

2.92 Health services are often the first port of call for victims of domestic violence. However, Donovan (2006) highlighted that fear of or actual discrimination towards lesbian and gay people within the service may result in lesbian and gay people being reluctant to use such services, including sexual health services. Supporting this, Stonewall Scotland (2008) found that just over half of their LGB survey respondents reported negative experiences of healthcare in the last year. This is of concern since there can be severe sexual and gynaecological problems following sexual assaults (Sigma 2000).

2.93 Broken Rainbow21 (2002) highlighted the gap in existing provision for LGB women within existing domestic violence services, and indicated that services could be made more inclusive through recruiting LGB workers and offering specific services. Broken Rainbow noted that the lack of recognition of domestic violence faced by women in same-sex relationships in refuge provision not only further obscures this problem and makes it more difficult for LGB women to seek help, but contributes to lack of awareness of the need for screening for female perpetrators in refuges.

2.94 United States studies indicate that LGB women prefer lesbian-run services or explicitly LGB-friendly services to be made available to them (Girshick 2002; Kulkin et al 2007). However, Donovan et al (2006) found that many agencies, including LGB services, did not offer co-ordinated services to support victims of same-sex domestic violence.

Transgender

2.95 As in the context of LGB women, there is a lack of evidence on violence against women experiences of transgender women. There is some evidence in the context of harassment and discrimination through the work of the Scottish Transgender Alliance22.

2.96 From a survey on Transgender Experiences in Scotland, the Scottish Transgender Alliance (Morton 2008) found that 46% of their 71 respondents

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21 Broken Rainbow is the national helpline for Lesbian, Gay, Bisexual and Transgender people experiencing domestic violence: http://www.broken-rainbow.org.uk/

22 http://www.scottishtrans.org/
had previously experienced transphobic abuse in domestic relationships and, 62% had experienced transphobic harassment from strangers in public places. These incidents, including serious physical assaults and sexual assaults, were likely to go un-reported to the police – for example, only one-quarter of respondents who had experienced transphobic harassment from strangers reported it to the police, and less than half of those that did were satisfied with the response they received.

2.97 Supporting the above, the Scottish Social Attitudes Survey (Bromley et al 2007) found a high level of discriminatory attitudes against transgender people in Scotland, with 50% of people saying they would be unhappy if a close relative formed a close relationship with “someone who had a sex-change operation.”

2.98 Further, while the Gender Recognition Act (2004) provides for all women, regardless of birth to be accommodated within refuges, this does not cover transgender people who do not intend to transition.

**Trafficking**

2.99 A recent study for the Scottish Government showed that between April 2007 and March 2008, 79 individuals believed to be victims of human trafficking came into contact with agencies in Scotland (Scottish Government 2009d). The majority were adult female victims who had been trafficked into sexual exploitation, while a smaller proportion comprised men and women who appeared to have been trafficked for exploitation in other industries. Multiple links were found between human trafficking and other forms of organised crime such as Class A drugs, cannabis cultivation, money laundering and other serious fraud.

2.100 Where the victim’s country or continent of origin was known, most originated from Asian (n=27) and African (n=21) countries. Just under a quarter (n=17) of the victims’ country or continent of origin was unknown.

2.101 The Scottish Government (2009d) highlighted that many victims recovered by the police presented as illegal migrants whose travel and work had been facilitated by a third party. These individuals claimed to be freely working as sex workers, but many reported having been debt bonded, with some citing this debt as their primary reason for remaining in this industry. However, agencies which provide services to victims painted a different picture, reporting that few of the (mainly) women and girls that they had encountered had been paid for work. They reported that the sole purpose of the work undertaken by their clients was to repay a discretionary debt imposed by traffickers. Few of these individuals experienced any freedom of movement once they were trafficked and most had felt under threat in their countries of origin.

**Need for Multi-Agency Working**

2.102 The Trafficking Awareness Raising Alliance23 (TARA) – a non-law enforcement agency - was set-up in Scotland in 2005 to support victims of trafficking. TARA liaises with police, housing departments, health professionals,

agencies which work with women in the sex trade and other voluntary organisations. It is the only non-law enforcement agency in Scotland focusing specifically on victims of trafficking, which provides services to female adult victims who have been trafficked into sexual exploitation.

2.103 The Scottish Government (2009d) study revealed that despite good working relationships between enforcement agencies and victim care services and examples of good practice - such as third party reporting - greater clarity is needed on the respective aims and roles of various organisations. The report identified key aspects for effective multi-agency working as: formalising good practice in initial interviews with victims and suspected victims; appropriate follow-up care; and, the inclusion of all relevant agencies. The study also called for better information sharing systems between participating agencies to reduce duplication of effort and provide a fuller picture of the position of individual victims and, to reduce the need for victims to repeat information. More solution focused multi-agency workshop events involving representatives from all main stakeholder and practitioner groups were recommended (Scottish Government 2009c).

**EHRC Inquiry**

2.104 In February 2010, the Equality and Human Rights Commission Scotland launched an in-depth Inquiry into human trafficking in Scotland with a particular focus on commercial sexual exploitation (EHRC 2010). The Inquiry will seek to identify the nature, extent and causes of human trafficking in Scotland; it will assess to what extent Scotland is meeting international and domestic human rights obligations to prevent and prohibit trafficking, prosecute traffickers, and protect victims.

<table>
<thead>
<tr>
<th><strong>Summary – Violence Against Ethnic Minority Women, Disabled Women and LGBT Women and Human Trafficking Issues</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>• Data on violence against ethnic minority women in Scotland is limited. Such violence may take different forms from those experienced in the majority population and include collusion by members of the extended family and “honour-based” dimensions.</td>
</tr>
<tr>
<td>• Female genital mutilation has been viewed as deeply entrenched in the values and norms of certain communities, and employed as a preventative measure against female infidelity and sexual independence by reducing women’s sex drive. The extent to which female genital mutilation is an issue in Scotland is not known.</td>
</tr>
<tr>
<td>• The extent of violence against disabled women is difficult to know because of issues related to estimating the number of disabled women (people) in Scotland.</td>
</tr>
<tr>
<td>• Studies suggest that disabled women may experience greater difficulty in leaving abusive relationships than non-disabled women because of, for example, their perpetrator - who may also be their carer - controlling medication, playing on disablist attitudes and threatening custody of children.</td>
</tr>
</tbody>
</table>
Violence Against Women and Links to Poverty and Complex Needs

Poverty

2.105 Examining the links between violence against women and poverty, the Scottish Crime and Justice Survey (SCJS) 2008-09 showed that partner abuse was twice as likely to be experienced by those living in the 15% most deprived areas of Scotland (10% of respondents in the most deprived areas in the last 12 months, against 5% overall) (MacLeod et al 2009a).

2.106 Jewkes (2002) claimed poverty to be one of two demographic and social characteristics of men and women documented in survey research associated with increased risk of intimate partner violence (the second one is the number of children (more increasing risk)). With regards to the nature of the relationship between poverty and intimate partner violence, Jewkes noticed that some researchers claimed that this relationship is mediated through stress. He also highlighted that a number of researchers suggested that men living in poverty are unable to meet social expectations of successful manhood, which can trigger a crisis of male identity. Thus, Jewkes stated that violence against women is a means of resolving this crisis because it allows expression of power that is otherwise denied.

Substance Abuse

2.107 Although drug and alcohol misuse among perpetrators has been well documented, there is growing evidence that drug misuse is a serious problem for abused women. The UK evidence base is small and relatively undeveloped and therefore the extent of the overlap between these two issues cannot be accurately described. Reported UK figures of domestic abuse victims who also

Summary – Violence Against Ethnic Minority Women, Disabled Women and LGBT Women and Human Trafficking Issues (continued)

• Of the 53,681 incidents of domestic abuse recorded by the police in 2008-09, 1,184 were for same-sex couples; 546 for male same-sex couples and 638 for female.
• Most issues around domestic abuse are similar in relationships regardless of sexual orientation however, there are additional issues faced by same-sex couples for example: threats to publicise someone’s sexuality; undermine someone’s sexual identity; and, lack of recognition of same-sex domestic abuse in lesbian and gay communities.
• More is known about violence against women experiences of LGB women however, there is a lack of evidence about experiences of transgender women.
• Between April 2007 and March 2008, 79 individuals believed to be victims of human trafficking came into contact with agencies in Scotland. The majority were adult female victims who had been trafficked into sexual exploitation.
• Of concern is the scarcity of services (and barriers to access) for ethnic minority women, disabled women and LGB (and T) women experiencing violence against women.
misuse drugs or alcohol range between as low as 22% and as high as 90% (Dolev and Associates 2008). United States (US) based statistics have shown that women experiencing domestic violence are up to fifteen times more likely to misuse alcohol and nine times more likely to misuse other drugs than other women (Stark and Flitcraft 1996 in Dolev and Associates 2008).

2.108 In support of these findings, a review of the literature conducted by Dolev and Associates (2008) revealed that there is an association, but no direct causal mechanism, between women's substance misuse and abuse by male partners. Evidence from US and UK studies suggests that the nature of the association between these two issues is one of close co-existence, with each issue exacerbating the other. Studies show that women who experience domestic abuse and who also misuse substances are more likely to do so as a consequence of their abuse (Clark and Foy 2000; Corbin et al. 2001 quoted in Dolev and Associates 2008). A Scottish study conducted in 2005 revealed that nearly two-thirds (61.9%) of female drug users contacting drug treatment services in Scotland reported having been physically abused and over a third (35.5%) reported having been sexually abused (McKeganey et al. 2005).

2.109 Women who experience domestic abuse often turn to substances (or increase their use of substances) as a means of coping with the abuse from their partner (Clark and Foy 2000; Miller et al. 2000; Corbin et al. 2001; Miller 2001; Galvani 2006 quoted in Dolev and Associates 2008). In agreement with this, the Camden Domestic Violence Forum (2007, quoted in Dolev and Associates 2008) reported that women tend to use substances after a violent episode, rather than before. A small study conducted by Scottish Women’s Aid in 2005 showed the following factors led women into, or substantially increased, their use of alcohol or drugs: boredom, depression and coercion or force by a partner (Scottish Women’s Aid 2005).

2.110 On service provision, Humphreys et al (2005) observed the separation between substance misuse and domestic abuse services in the UK. The authors identified five key reasons for this: a cultural clash between services; the politics of a single issue focus and concerns about causality; resource constraints; the lack of knowledge and training in relation to “the other” issue whether that be substance misuse or domestic abuse; and, the problems of fragmentation at Government level.

Other Complex Needs

2.111 Women who experience domestic abuse and substance misuse typically present with multiple and complex needs. A recent Tayside study on the link between domestic abuse and substance misuse (Dolev and Associates 2008) revealed that of the women in the sample, two-thirds had been homeless in the last five years and a similar proportion sought treatment for mental health problems, including anxiety, depression, suicidal ideation, attempted suicide, self harm and psychotic episodes. Nearly half had a childhood history of domestic abuse and re-affirming the link between poverty and domestic abuse, nearly half were unemployed at the time of the survey.
**Making the Links Between Domestic Violence, Child Abuse and Long-term Complex Needs**

2.112 Based on a study of children in the child protection system with long-term and complex needs, Devaney (2008) found that younger children of young parents were most likely to experience a prolonged period in the system. Supporting research cited above, domestic abuse was found to co-exist with substance abuse and poverty. Children were found to be living in conditions where they experienced multiple adversity, and the end of involvement with the child protection system appeared unlikely due to the difficulty of resolving issues. Devaney called for more focus on holding men accountable for their behaviour to their families.

**Men as Victims**

2.113 Scottish Police statistics show a year on year increase in the number of men reporting domestic abuse. The proportion of incidents has risen from 8 per cent in 2000-01 to nearly 15 per cent (7,882 incidents of a total 53,681 reported) in 2008-09. In 2008-09, 93% (7,336) of these incidents involved a female perpetrator while 7% (546) involved a male perpetrator (Scottish Government 2009b).

2.114 The Scottish Government (2009a, p.13) said that, “In the light of increasing numbers of men reporting to the police, there is a need to have robust evidence and greater understanding of what if any specific needs men might have.” It was noted that, in 2009, the Scottish Crime and Justice Survey (SCJS) would provide some information through questions on the nature and extent of partner abuse, including experience of partner abuse, frequency of abuse and physical and emotional effects. Some of the survey findings (MacLeod et al 2009b) are provided below:

- Five per cent of males reported partner abuse in the last 12 months (the figure was identical for women).
- Seventy-one per cent of men (compared to 91% of women) who experienced any form of partner abuse since the age of 16, experienced psychological abuse.
- Further, 71% of men (similar to 73% of women) who experienced any form of partner abuse since the age of 16, experienced physical abuse.

**Services for Male Victims**


2.116 While there are many professional agencies that can be accessed by victims of domestic violence (for example, the police, homeless shelters, medical care), the majority of specialist agencies for victims of domestic violence cater solely for women, reflecting that violence against women is understood as gender-based violence. However, a UK-wide confidential helpline, the Men’s Advice

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24 See Footnote 8 for definition of partner abuse.
Line - Respect\textsuperscript{25} has been established for all men experiencing domestic violence by a current or ex-partner in heterosexual or same-sex relationships. This Helpline is supported by the Home Office and the Scottish Government.

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\hline
\textbf{Summary – Violence Against Women and Multiple and Complex Needs and Men as Victims} \\
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\end{table}

- Substance abuse and domestic abuse often co-exist, with each exacerbating the other. Studies have shown that women who experience domestic abuse and who misuse substances often do so as a consequence of their abuse and often turn to substances as a means of coping with the abuse from their partner.
- Women who experience domestic abuse and substance misuse often present with multiple and complex needs – for example also experiencing mental health problems and homelessness.
- Of the 53,681 incidents of domestic abuse reported to the police in 2008-09, 15\% of these were male victims – 93\% of these involved a female perpetrator and 7\% a male perpetrator.

\section*{Conclusions}

2.117 Violence against women is a serious and complex phenomenon, which demands concerted and focused policy, practice and research attention. This Chapter has shown that official statistics present a disturbing picture of the extent and gender-based nature of the phenomenon, including its manifestations for example, as domestic abuse, sexual harassment and stalking.

2.118 More is known about women who have experienced domestic abuse compared to other forms of violence, and some risk factors have been clearly established such as co-habitation, residence in areas of deprivation and pregnancy.

2.119 However, even in this area, there is a lack of recent Scotland-based information on women and children’s access and use of services and their circumstances after they have left abusive situations.

2.120 Although this Chapter notes that the experience of male victims should not be ignored, it has highlighted that women are far more likely to be victims than men and that the violence they experience is commonly carried out by men known to them.

2.121 Further highlighted is that much less is known about the circumstances of ethnic minority women, disabled women, lesbian, gay, bisexual and transgender women, and the extent to which their specific experiences are understood and their needs met. In addition, it is difficult to quantify the extent of forced marriages, female genital mutilation and human trafficking in Scotland.

\textsuperscript{25} http://www.mensadviceline.org.uk/mens_advice.php
2.122 Cumulatively, the evidence reviewed in this Chapter presents a strong case for continued review of policy and practice, and reporting in this area, supported by robust, reliable and current information.
3 VIOLENCE AGAINST WOMEN: NATIONAL POLICY CONTEXT

Introduction

3.1 This Chapter is split into four Sections as follows:

2. Information Gathering, Monitoring and Reporting
3. Initiatives and Specific Work
4. Training and Awareness Raising.

3.2 The above structure follows Reid Howie Associates and Equality Plus’s report on progress made by public authorities in Scotland to tackle violence against women.

3.3 The first part of Section One (1A) outlines the national context in relation to the structure and hence mode of working of the Scottish Government by providing an overview of: the Scottish Government’s Economic Strategy and the Government’s Purpose, the National Performance Framework, the public sector reform agenda and the Concordat and then an overview of the national framework for Equality work.

3.4 Policies/strategies that relate to violence against women issues are developed, implemented and progressed under this structure and mode of working of the Scottish Government; the second part of Section One (1B) moves onto outline these particular policies/strategies.

CHAPTER 3, SECTION 1(A) – SCOTTISH GOVERNMENT STRUCTURES

Economic Strategy and the Government’s Purpose

3.5 The Scottish Government’s Economic Strategy (Scottish Government 2007b) is geared to delivering the Government’s Purpose which is “to focus Government and public services on creating a more successful country, with opportunities for all of Scotland to flourish, through increasing sustainable economic growth.” A key element of this strategy is equality, including working to ensure that there are opportunities for everyone to contribute to and benefit from Scotland’s sustainable economic growth.

National Performance Framework

3.6 As set-out in the Scottish Government’s National Performance Framework, it is through five Strategic Objectives (Wealthier and Fairer, Smarter, Healthier, Safer and Stronger, and Greener) and a suite of fifteen National Outcomes that the Scottish Government will achieve it’s Purpose. Of these fifteen, a key National Outcome is that we have tackled the significant inequalities in Scottish society.

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27 www.scotlandperforms.com This website also shows progress made on all fifteen National Outcomes as being measured through national indicators and targets.
3.7 In addition to the above National Outcome this work on violence against women will also progress the following National Outcomes:

- Our children have the best start in life and are ready to succeed;
- We live longer, healthier lives;
- We have improved the life chances for children, young people and families at risk;
- We live our lives safe from crime, disorder and danger; and,
- Our public services are high quality, continually improving, efficient and responsive to local people’s needs.

Public Sector Reform and the Concordat

3.8 Alongside equality, the promotion of Effective Government is also a key element of the Government’s Economic Strategy which is part of a broader approach to the Government’s programme of public service reform. This programme includes a new relationship between National and Local Government as expressed in the Concordat agreed between the Scottish Government and the Convention of Scottish Local Authorities (CoSLA) in November 2007.

3.9 The Concordat is based on mutual respect and partnership working and underpins the move to an outcome-based approach to the planning and delivery of public services in Scotland through Single Outcome Agreements for all 32 of Scotland’s Local Authorities and extending these to Community Planning Partnerships. These agreements set out how Local Government will work towards improving outcomes for local people in a way that reflects local circumstances and priorities, within the context of the Scottish Government’s Purpose and National Outcomes. In guidance issued on Single Outcome Agreements, Local Authorities are advised to set out their duties in relation to equalities.

3.10 Prior to the Concordat, the Scottish Government and Local Government have been working in partnership to develop a new approach to managing Local Authority services, called Best Value. Best Value remains an integral element of the Government’s public service reform programme. It was introduced as a statutory duty on Local Authorities through the Local Government in Scotland Act (2003) and encourages Local Authorities to examine how they provide services to the public and how they can improve the quality, quantity and cost of services. From the start, the principles and essential elements of Best Value in Scotland have included a strong commitment to equality, because integration of equality issues is essential to delivering the quality of services that meet the needs of the whole community.

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28 The Public Services Reform (Scotland) Bill (www.scotland.gov.uk/Topics/Government/public-bodies/psr/Bill) is at stage two in the Scottish Parliament. For more detailed information on the Government’s public service reform program see: http://www.scotland.gov.uk/Topics/Government/PublicServiceReform
29 www.cosla.gov.uk/attachments/aboutcosla/concordatnov07.pdf
30 See: http://www.scotland.gov.uk/Topics/Government/local-government/SOA for more detail on Single Outcome Agreements and annual reports.
31 See: www.improvementservice.org.uk/single-outcome-agreements to view joint guidance issued in February 2008 by the Scottish Government, CoSLA, the Improvement Service, the Society of Local Authority Chief Executives (SOLACE) and Audit Scotland.
National Framework for Equality Work

3.11 Alongside the above, the Government’s commitment to promote equality of opportunity and place equality at the heart of policy-making has previously been stated in the Scotland Act (1998)\(^\text{33}\), *Making it Work Together: A Programme for Government* (Scottish Executive 1999) and, *A Partnership for a Better Scotland* (Scottish Executive 2003b).

3.12 Further, the Government’s *Equality Strategy* (Scottish Executive 2000a) outlined how the Government planned to change the way it worked to ensure the prevention and elimination of discrimination between persons on grounds of sex or marital status, on racial grounds, on grounds of disability, age, sexual orientation, language or social origin, or of other personal attributes including beliefs or opinions, such as religious or political beliefs.

3.13 The Equality Unit was established in 1999 to deliver and implement the *Equality Strategy* and to develop the equality work of the Government. The Unit’s main role is to support Ministers in their work to advance equality; to promote and extend ownership of equality issues throughout the Scottish Government (mainstreaming) and to engage and work collaboratively with equality interests and key stakeholders to progress equality. To assist the Unit in its work, the Social Inclusion and Equalities Analysis Team provides analytical support and promotes mainstreaming of equalities across the three Government analytical groups - statisticians, social researchers and economists. In addition, the Scottish Parliament, recognising the need to promote equal opportunities for all in its operation and its appointments set-up the Equal Opportunities Committee\(^\text{34}\) as one of its mandatory standing committees.

Gender Equality Work and Violence Against Women

3.14 In 2003 the Scottish Government established a short-life Strategic Group on Women to consider the issues facing women in Scotland. Their report (Strategic Group on Women 2003) considered the current position of women in Scotland and provided 77 recommendations for the Government on addressing inequality and improving their position in Scotland. A key issue that the report provided recommendations on was "violence and safety". A detailed Government response to this report was published in March 2004 (Scottish Executive 2004a) setting out how the Government intended to take forward the group’s recommendations. An update on the Government’s actions to implement the recommendations was published in March 2006 (Scottish Executive 2006a). The violence and safety actions and progress reported on in these documents have informed this Chapter.

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\(^{33}\) Although the power to legislate on equal opportunities is reserved to the United Kingdom Parliament, the Scotland Act (1998) [http://www.opsi.gov.uk/acts/acts1998/ukpga_19980046_en_1](http://www.opsi.gov.uk/acts/acts1998/ukpga_19980046_en_1) gives the Scottish Parliament power to encourage equal opportunities, particularly the observing of the equal opportunities requirements. It also has the power to impose duties on Scottish public authorities and cross-border public bodies operating in Scotland.

\(^{34}\) See: [http://www.scottish.parliament.uk/s3/committees/equal/index.htm](http://www.scottish.parliament.uk/s3/committees/equal/index.htm)
National Equality Work and International Frameworks

3.15 European and International law provide key frameworks for driving forward rights and remedies against discrimination, and for Government commitments to promote equality. For example, the European Convention on Human Rights[^35], the United Nations Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW)[^36], the United Nations Convention on the Rights of the Child (UNCRC)[^37] and the Council of Europe Convention on Action Against Trafficking of Human Beings[^38] (for the latter see 3.32-3.34).

3.16 Working under these International frameworks, for example, the Scottish Government has contributed directly to the United Kingdom’s reports on progress in relation to CEDAW and UNCRC. The Scottish Government’s progress on violence against women was part of the United Kingdom’s 5th and 6th reports to CEDAW (United Kingdom Government 2003; 2007) and, the Scottish Government’s detailed response *Do the Right Thing* (Scottish Executive 2007a) constitutes the Government’s plan of action for implementing the UNCRC in Scotland – this report is in-keeping with existing Scottish Government initiatives and priorities such as *Getting it right for every child[^39]* and the *Early Years Framework* (Scottish Government 2009) which aim to give Scottish children the best start in life. The initiatives and priorities discussed in the above reports have also informed this Chapter.

3.17 At the national level, since Devolution, the Scottish Government has progressed a significant amount of work in relation to policies/strategies to demonstrate its commitment to tackling violence against women. The following Section outlines the work progressed since the establishment of the *Scottish Partnership on Domestic Abuse in 1998[^40]* through to the publication of *Safer Lives* (Scottish Government 2009). This discussion highlights where the specific work on violence against women complements and interacts with other Government policy agendas and frameworks.


[^36]: CEDAW was adopted by the United Nations General Assembly in 1979 and is often described as an international bill of rights for women. See: [www.un.org/womenwatch/daw/cedaw/](http://www.un.org/womenwatch/daw/cedaw/) The United Kingdom signed the Convention in 1981 and ratified it in 1986. UK reporting to the Convention is undertaken every four years.

[^37]: Article 19 of the UNCRC places a duty on the State to take all the appropriate legislative, administrative, social and educational measures which are required to protect the child from: “all forms of physical or mental violence, injury or abuse, negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s) legal guardian(s) or any other person who has the care of the child.” See: [www.unicef.org/crc/](http://www.unicef.org/crc/)

[^38]: [www.coe.int/t/dg2/trafficking/campaign/Docs/Convntn/default_en.asp](http://www.coe.int/t/dg2/trafficking/campaign/Docs/Convntn/default_en.asp)

[^39]: See: [http://www.scotland.gov.uk/Topics/People/Young-People/childdrensservices/girfec](http://www.scotland.gov.uk/Topics/People/Young-People/childdrensservices/girfec)

[^40]: The Partnership comprised members from CoSLA/Local Authorities, the National Health Service (NHS), Police, Crown Office, the Judiciary, Scottish Prison Service, Law Society of Scotland, Scottish Women’s Aid, Shakti Women’s Aid, the Zero Tolerance Charitable Trust, Victim Support Scotland, Rape Crisis Scotland, the then Scottish Executive. Reid Howie Associates provided the Executive with research support see: Reid Howie Associates (2000) *The Development of the Scottish Partnership on Domestic Abuse and Recent Work in Scotland*, Edinburgh: Scottish Executive: [www.scotland.gov.uk/Publications/2000/08/cfd6e946-d614-461a-90db-2f95eae4955d](http://www.scotland.gov.uk/Publications/2000/08/cfd6e946-d614-461a-90db-2f95eae4955d)
CHAPTER 3, SECTION (1B) – SCOTTISH GOVERNMENT POLICIES

The National Strategy to Address Domestic Abuse in Scotland

3.18 The Scottish Partnership on Domestic Abuse produced the National Strategy to Address Domestic Abuse in Scotland in 2000 (Scottish Executive 2000b). This strategy recognizing that domestic abuse is never acceptable and will not be tolerated in Scotland set out actions aimed at preventing domestic abuse, protecting those experiencing domestic abuse and providing services to meet their needs.

3.19 To implement this strategy a National Group to Address Domestic Abuse in Scotland was established in 2001 – subsequently this group was renamed the National Group to Address Violence Against Women (the “National Group”) to extend its earlier focus on domestic abuse to cover all forms of violence against women (see 3.20). The National Group set-up an expert group to look at developing an approach to tackling violence against women. The report of this group and the subsequent consultations led to the later development of Safer Lives: Changed Lives A Shared Approach to Tackling Violence Against Women in Scotland (Scottish Government 2009a) (see below). In addition, a cross-Government group on violence against women was established to bring together key internal interests (e.g. Justice, Health, Education) to ensure consistent policy development within an agreed definition of violence against women.

3.20 Subsequently, signing by the First Minister of the Women’s Coalition Statement of Intent in December 2007 committed the Scottish Government to continuing to work with others to address violence against women in all its aspects, and to adopt a broad definition of violence against women which makes the links between domestic abuse, rape and commercial sexual exploitation. In so doing, building on the wealth of work underway and experience gained as a result of the National Strategy to Address Domestic Abuse, the Scottish Government and the Convention of Scottish Local Authorities (CoSLA) published Safer Lives (Scottish Government 2009a).

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41 For the Scottish Partnership on Domestic Abuse’s action plan, which was approved in October 1999, see: [www.scotland.gov.uk/Publications/2000/08/cfd6e946-d614-461a-90db-2f95ae4955d](http://www.scotland.gov.uk/Publications/2000/08/cfd6e946-d614-461a-90db-2f95ae4955d). The Implementation of the National Strategy to Address Domestic Abuse in Scotland Progress Report (2003) documents progress made until 2003 – the progress documented here has informed this Chapter.


42 Comprises key experts from the areas of Police, Education, Health, Local Government, Racial Equality, the Judiciary and the Voluntary Sector.

43 [www.zerotolerance.org.uk/upfiles/StatementofIntentOrgs.doc](http://www.zerotolerance.org.uk/upfiles/StatementofIntentOrgs.doc)

3.21 The purpose of Safer Lives is to provide a shared understanding, (see Chapter Two, 2.5-2.6 for the Safer Lives definition of violence against women), and integrated approach which will guide the work of all partners to tackle violence against women in Scotland and in particular to support joined-up policy and practice around the issues of (the 4 P’s):

- **Prevention**: to prevent, remove or diminish the risk of violence against women and its impacts on children and young people.
- **Protection**: to protect women from victimisation, repeat victimisation or harassment by perpetrators and protect the children and young people affected.
- **Provision**: to provide adequate services to deal with the consequences of violence against women and children to help them to rebuild their lives.
- **Participation**: to ensure policy-making and practice development around violence against women is shaped by experiences, needs and views of those who use services.

3.22 The Safer Lives approach complements and interacts with a suite of Government policy agendas which aim to improve the lives, experiences and opportunities of children, families and communities such as: Action on Violence in Scotland, Respect and Responsibility and Getting it right for every child which underpins the National Domestic Abuse Delivery Plan for Children and Young People (Scottish Government 2008d).

3.23 In addition, taking forward this shared approach will contribute to enabling the civic and societal changes described in the Scottish Government’s suite of Frameworks – Achieving Our Potential (Scottish Government 2008b), the Early Years Framework (Scottish Government 2009e) and Equally Well (Scottish Government 2008c) – all of which underpin the Scottish Government’s shared commitment to eradicating inequality and discrimination in Scotland.

3.24 This Section now moves on to discuss work (actions) and progress made as a result of, for example, the implementation of the National Strategy to Address Domestic Abuse and Safer Lives. Actions have included developing national prevention, guidance and training strategies, and progressing work in the context of children and young people and on specific issues such as human trafficking and forced marriage. Developments in relation to national legislation in the context of violence against women can be found at Appendix One.

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44 This includes (but not restricted to) Community Planning Partnerships, ACPOS (Association of Chief Police Officers in Scotland), Violence Against Women Multi-Agency Partnerships and Training Consortia, Health Boards and the Voluntary Sector.
45 See information about the Violence Reduction Unit at: [www.scotland.gov.uk/Topics/Justice/public-safety/17141/violence](http://www.scotland.gov.uk/Topics/Justice/public-safety/17141/violence) The Unit ran a domestic abuse campaign from October 2009 until March 2010 to improve police response to domestic abuse. The campaign focused on enforcement and building and developing local partnership arrangements in order to provide a more coherent, holistic approach.
46 [http://www.scotland.gov.uk/Topics/Health/health/sexualhealth/respect](http://www.scotland.gov.uk/Topics/Health/health/sexualhealth/respect)
47 [www.scotland.gov.uk/Topics/People/Young-People/childrensservices/girfec](http://www.scotland.gov.uk/Topics/People/Young-People/childrensservices/girfec)
Prevention

3.25 The National Group established a prevention working group which led to *Preventing Domestic Abuse A National Strategy* (Scottish Executive 2003a). This strategy sets out short and long-term goals aimed at helping Local Authorities, police forces, health boards and voluntary organisations to develop local strategies to drive forward prevention work. For example, it sets out short-term goals to develop training strategies for professional workers and work to ensure that voices of survivors of domestic abuse help to inform and change services and aid prevention work and, sets out long-term goals for example, working to raise public awareness to challenge the myths, cultural beliefs and stereotypes which help perpetuate gender inequality and toleration of male violence against women (and children).

3.26 Alongside the *Prevention Strategy*, the National Group has been instrumental in assisting to develop a wide range of training strategies and guidance in order to progress the development of local strategies to tackle violence against women. These are discussed in Section Four.

Children, Young People (and their families)

3.27 Children and young people have been identified as a priority group for services and support in reports and documents produced and commissioned by the then Scottish Executive and Scottish Government (e.g. Scottish Executive 2001a; 2002; 2004b; 2004c; 2006b and Scottish Government 2008d). These highlight the need for agencies to integrate their services more around the needs of children and young people (e.g. a cultural shift toward a shared, systematic approach to information gathering and risk management).

3.28 Of particular importance to this report is the establishment of the *Domestic Abuse Better Outcomes for Children Pathfinder Pilot Projects* with new ways of ensuring agencies work together to provide better support and intervention for children affected by domestic abuse piloted across Scotland. These Pathfinder Pilots and their subsequent evaluation are discussed in Section Three (3.90-3.93).

3.29 In tandem, it was following the establishment of these Pathfinder Pilots that a *National Delivery Group for Children and Young People Experiencing Domestic Abuse* – a partnership between a range of Scottish Government Directorates and key external interests supported by the Scottish Government’s Equality Unit and the *Getting it right for every child* Team - was established.

3.30 It was this Delivery Group that published the *National Domestic Abuse Delivery Plan for Children and Young People* (Scottish Government 2008d) - a three-year Delivery Plan for engaging young people experiencing domestic abuse and promoting good practice which sets out a common framework based on *Getting it right for every child* principles and values and the aims of the *National Strategy to Address Domestic Abuse in Scotland*.

48 For example: promoting the wellbeing of individual children and young people; keeping them safe; putting the child at the centre and taking a whole child approach to providing services and support to children and young people.
3.31 This Delivery Plan sets out thirteen Priority Areas for Action that the Scottish Government is resourcing and progressing with partners over the three-year period of the Plan (2008-2011) to enable more effective protection, provision, prevention and participation for all children, young people and their families affected, or at risk of being affected, by domestic abuse in Scotland. Specific initiatives and work that have been progressed under the framework of this Delivery Plan are discussed in Section Three (3.100-3.116).

**Trafficking**

3.32 On 23 March 2007 the Home Office and the Scottish Government jointly launched the United Kingdom (UK) Action Plan on Human Trafficking (Home Office and Scottish Executive 2007), following consultation the previous year. This Action Plan outlines current measures and sets the direction for future work in the areas of prevention, enforcement/prosecutions and protection and assistance for adult and child victims.

3.33 Building on this Action Plan the United Kingdom became a signatory of the Council of Europe Convention on Action Against Trafficking of Human Beings which, after ratification came into effect on 1 April 2009. Since ratification of this Convention, the main focus of work has been on the effective operation of the National Referral Mechanism (NRM) which is being piloted UK-wide - currently, the Glasgow City Pilot of the NRM continues and is scheduled to finish later this year.

3.34 The NRM is the system for referring potential victims to a Competent Authority for assessment, and if there are reasonable grounds for thinking that an individual is a victim of trafficking he or she can qualify for a 45-day reflection period without being regarded as no right to stay in the United Kingdom.

3.35 To ensure that suspected victims are supported during their reflection period, the Scottish Government is working with the Trafficking Awareness Raising Alliance (TARA)\(^49\), which aims to raise awareness of trafficking amongst frontline staff and provides specialist support and accommodation to adult females trafficked for the purpose of commercial sexual exploitation. The Scottish Government is also working with the Migrant Helpline\(^50\), which provides support to all other adult victims of trafficking, to ensure that appropriate support mechanisms are in place across Scotland.

3.36 On child trafficking, to help professionals develop their report, the UK Government has advised that cases should be referred using a specially designed form (trafficking assessment form) which incorporates a matrix of evidence based indicators\(^51\) (established through research into child trafficking).

\(^{49}\) For information on TARA see: [http://www.scotland.gov.uk/Publications/2009/03/31164935/0](http://www.scotland.gov.uk/Publications/2009/03/31164935/0)

\(^{50}\) [http://www.migranthelpline.org.uk/](http://www.migranthelpline.org.uk/)

\(^{51}\) To view the form and guidance notes see: [www.scotland.gov.uk/Topics/Justice/crimes/humantraffick/childtrafficking](http://www.scotland.gov.uk/Topics/Justice/crimes/humantraffick/childtrafficking). Section C contains the Matrix of Indicators e.g. claims to have been exploited through sexual exploitation, criminality, labour exploitation, domestic servitude, forced marriage, illegal adoption, drug dealing by another person; physical symptoms of exploitative abuse; underage marriage; entered the country illegally; no passport or other means of identity; false documentation; journey or visa arranged by someone other than themselves or their family.
The Scottish Government has issued a letter to all Child Protection Committees outlining the arrangements for referring child victims of trafficking to the Competent Authority and has issued guidance on *Safeguarding Children in Scotland who may have been Trafficked* (Scottish Government 2009f) to be used in conjunction with the trafficking assessment form.

3.37 This guidance outlines: the reasons for child trafficking; the methods used by traffickers; the roles and functions of relevant agencies; and, the procedures to follow to ensure the safety of children suspected of being trafficked.

3.38 In addition to the UK Action Plan, the Scottish Government is currently legislating to provide police with specific powers to close premises associated with human trafficking for sexual exploitation. These measures are contained in the Criminal Justice and Licensing Bill, which was introduced into the Scottish Parliament in March 2009.

**Forced Marriage**

3.39 As mentioned in Chapter Two (2.74), the Home Office and Foreign and Commonwealth Office launched a joint Forced Marriage Unit in 2005 as a one-stop shop to develop policy, co-ordinate projects and give practical advice to people at risk of being forced into marriage. This Unit in collaboration with the then Scottish Executive launched *A Wrong not a Right* consultation in September 2005 (Home Office and Scottish Executive 2005) on whether to create a specific criminal offence relating to forced marriage. As the majority of respondents believed that new criminal legislation would not be the best use of resources, with many feeling that it could potentially drive forced marriage underground, both Scottish and UK Ministers decided not to introduce specific criminal legislation at that time (Scottish Government 2010a).

3.40 Subsequently, rather than making changes to criminal legislation, changes have been made to civil law in England and Wales through the *Forced Marriage (Civil Protection) Act 2007* with the aim to provide civil remedies to those at risk of forced marriage, as well as those who have already been forced into marriage.

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52 See: [www.scotland.gov.uk/Topics/Justice/crimes/humantraffick/childtrafficking](http://www.scotland.gov.uk/Topics/Justice/crimes/humantraffick/childtrafficking)

53 To apply within current Scottish legislation, policy and structures, this publication is an adapted version of the guidance published by the United Kingdom Government in 2007.


57 The Act introduces a number of unique features which currently have no equivalent in Scotland by inserting new sections into the Family Law Act 1996 for example, Forced Marriage Protection Orders which may positively require a person to do something unlike Scottish common law interdicts which can only be used to prohibit specific actions; particularly significant is that the Act enables third parties to make an application for a Forced Marriage Protection Order on behalf of the victim and Orders can be directed at anyone aiding, abetting, encouraging or conspiring with the principal perpetrator. Further a power of arrest can be used against anyone the police reasonably suspect is breaching the terms of the Order.
3.41 All the civil remedies currently available in Scotland are primarily prohibitive and must be sought directly by the victim whereas the UK 2007 Act allows orders which positively require people to do things, as well as allowing third parties to apply for orders on the victim’s behalf. Therefore, Scottish Ministers have consulted on the introduction of civil remedies in Scotland. The majority of responses to the consultation, *Forced Marriage: A Civil Remedy?* (Scottish Government 2008e) felt legislation should be introduced, but respondents also highlighted difficulties regarding access to justice (e.g. costs involved for victims, difficulties in accessing legal aid and lack of awareness and understanding of civil remedies) (Reid Howie Associates 2009).

3.42 Some further consultation has been undertaken on potential legislative changes. Scotland’s Forced Marriage Network (established in 2005), whose membership is drawn from key statutory and voluntary organisations tackling this issue, has worked with the Scottish Government on this and Scottish Ministers are currently considering the outcome of this work and will introduce legislation at the earliest opportunity.

Summary – Structures, Strategies and Policies

- The Scottish Government’s Purpose as set out in the Government Economic Strategy is “to focus Government and public services on creating a more successful country, with opportunities for all of Scotland to flourish, through increasing sustainable economic growth”. It is through the Government’s National Performance Framework (through Strategic Objectives and National Outcomes) that this Purpose will be achieved.
- In the above context, Single Outcome Agreements - which underpin the Concordat agreed between the Scottish Government and CoSLA in 2007 – set out how Local Government will work towards improving outcomes for Scottish people.
- Equalities is central to the work of the Scottish Government and Local Government - one of the National Outcomes being progressed is that we have tackled the significant inequalities in Scottish society.
- The Equality Unit was established in 1999 to support Ministers in advancing equality, to promote and extend ownership of equality issues throughout the Scottish Government (mainstreaming) and to work with equality interests and external partners to progress equality. To assist, the Social Inclusion and Equalities Analysis Team provides analytical support and promotes mainstreaming of equalities across the three Government analytical groups – researchers, statisticians and economists.
- International frameworks such as the United Nations Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) provide key frameworks for driving forward rights and remedies against discrimination at a national level.

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58 For example: common law interdicts with a power of arrest under the Protection from Abuse (Scotland) Act 2001; an interdict or non-harassment order under the Protection from Harassment Act 1997; a matrimonial interdict and exclusion order under the Matrimonial Homes (Family Protection) (Scotland) Act 1981 – see Appendix One for more details on Legislation.
CHAPTER 3, SECTION 2: INFORMATION GATHERING, MONITORING AND REPORTING

3.43 On gathering information and using information, the Government’s Gender Equality Scheme Annual Report (Scottish Government 2010a) states that the Scottish Government is committed to evidence-based policy-making. Ensuring that the Government develops a good evidence-base is key to creating public policies which are informed and responsive to the needs of women and men in Scotland. Chapter Five of the Annual Report documents progress the Government has made on gathering and making use of information at both corporate level and across all Government Directorates.

3.44 This Section provides some examples of key work the Government is progressing to build the evidence base on equalities more broadly – which includes gender – such as the work of the Social Inclusion and Equalities Analysis Team. Examples of work with a more specific focus on issues relevant to violence against women are then discussed for example, the Scottish Crime and Justice Survey and the range of analytical work being undertaken across Government to progress the National Domestic Abuse Delivery Plan for Children and Young People (Scottish Government 2008d). This Section ends with examples of consultation work undertaken by the Scottish Government in the context of equalities and gender and on issues relevant to violence against women.

Building the Equalities Evidence Base

3.45 The Scottish Government’s Social Inclusion and Equalities Analysis Team, supports internal mainstreaming of equality across the three analytical groups – researchers, statisticians and economists – and works with them to ensure that the equality dimensions of the indicators, outcomes and targets of the Government’s National Performance Framework (see 3.6-3.7) are developed, monitored and delivered in an evidence-based way.

3.46 The Team also works alongside the Equalities and Human Rights Commission (EHRC) for example, in the development of an Equalities Measurement Framework (EMF) (see Alkire et al 2009) as recommended by the 2007 UK Equalities Review (Equalities Review Panel 2007) and for progressing other recommendations made as part of the Office for National Statistics (ONS) led Equalities Data Review. The measurement framework is being developed over the period 2008-2010 and covers all equalities strands, including gender, and will, through “spotlight indicators” over ten different domains (which include, for

Summary – Structures, Strategies and Policies (continued)

- The Scottish Government has progressed a significant amount of work to tackle violence against women through for example, the National Strategy to Address Domestic Abuse in Scotland, the National Domestic Abuse Delivery Plan for Children and Young People and Safer Lives.
- Work has also been progressed on specific issues such as forced marriage and human trafficking.
example, life, health and physical security)\textsuperscript{60}, highlight the position of different groups.

\textbf{Statistical Data}

3.47 On statistics in particular, a key element of the Scottish Government’s Harmonisation Working Group\textsuperscript{61} has been to introduce a core set of socio-economic questions for use in surveys. The introduction of this standard set of questions will increase comparability across surveys and is the first step towards allowing sample survey estimates to be combined to produce robust estimates of rarely occurring characteristics at a national level and other characteristics at small area level. One of these harmonised questions is gender and this has now been adopted by the Scottish Household Survey, the Scottish House Condition Survey, the Scottish Health Survey, and the Scottish Crime and Justice Survey\textsuperscript{62}.

\textbf{Data Gathering and Use on Issues Relevant to Violence Against Women}

\textbf{Statistics}

\textit{Justice Analytical Services Division - Crime and Justice Statistics}

3.48 As part of the Crime and Justice Series Statistical Bulletins, the Scottish Government publishes a yearly “\textit{Domestic Abuse Recorded by the Police in Scotland}” (see, for example: Scottish Government 2009b). This Bulletin describes characteristics of victims and perpetrators of domestic abuse incidents reported to the police at police force and Scotland level. Other Statistical Bulletins that are part of this Series include: \textit{Homicide in Scotland and Recorded Crime in Scotland} (see, for example: Scottish Government (2007d) and (2009c) respectively).

3.49 In addition, evidence on “\textit{Partner Abuse}” and “\textit{Sexual Victimisation and Stalking}” is gathered by the \textit{Scottish Crime and Justice Survey (SCJS)}\textsuperscript{63} and published (see: MacLeod et al 2009a; 2009b respectively).

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\textsuperscript{60} The ten domains are: life; health; physical security; legal security; education and learning; standard of living; productive and valued activities; individual, family and social life; identity, expression and self-respect; participation, influence and voice.

The EMF will form the basis of a triennial report by the EHRC to UK and Scottish Ministers indicating the progress the Scottish (and UK) Government has made towards the elimination of discrimination and the promotion of equality of opportunity across all its policy areas. The triennial report is due to be published in 2010.

\textsuperscript{61} See \url{http://www.scotland.gov.uk/Topics/Statistics/About/SurvStrat} for more details.

\textsuperscript{62} Scottish Household Survey: \url{www.scotland.gov.uk/Topics/Statistics/16002}

Scottish House Condition Survey: \url{www.scotland.gov.uk/Topics/Statistics/SHCS}

Scottish Health Survey: \url{www.scotland.gov.uk/Topics/Statistics/Browse/Health/scottish-health-survey}

Scottish Crime and Justice Survey: \url{www.scotland.gov.uk/Topics/Statistics/Browse/Crime-Justice}

\textsuperscript{63} \textit{The Scottish Crime and Justice Survey (SCJS)} is a social survey which asks people about their experiences and perceptions of crime in Scotland. The survey involves interviewing a randomly selected adult in 13,000 households across Scotland per year. Respondents are selected at random from the Postal Address File.
Further, a number of SCJS questions on partner abuse are being piloted for inclusion in the Growing up in Scotland Survey\textsuperscript{64} (Sweep 6) which follows the lives of a national sample of Scotland’s children from infancy through to their teens (Scottish Government 2010a).

The above publications have been used to inform Chapter Two of this report.

\textbf{Social Research}

\textit{Embedding Equalities into Social Research Practice}

The Office of the Chief Researcher (OCR) works to ensure that all the equality duties, including gender equality, are firmly embedded within social research practice to ensure that Scottish Government social research provides an evidence-base of the highest quality, inclusive of all groups in our society.

A new version of the \textit{Guidance for Commissioning and Managing Social Science Research} was published in March 2009 which includes a new section on mainstreaming equalities issues, including gender, and other references throughout to meet compliance with the duties. Also, the Scottish Government database of social science research projects collects information on whether equality issues have been considered in the procurement of social research that supports and informs policy development to ensure that the needs of women and men, and other equality groups are fully taken into account.

\textbf{Analytical Work}

\textit{National Domestic Abuse Delivery Plan for Children and Young People}

A range of analytical work is being taken forward across the Scottish Government in relation to the priority areas identified in the \textit{National Domestic Abuse Delivery Plan for Children and Young People} (Scottish Government 2008d). For example, Social Inclusion and Equalities analysts are providing analytical support to Scottish Women’s Aid to evaluate Children Experiencing Domestic Abuse Recovery (CEDAR) (see 3.114-3.116), which informs Priority Area 7 of the Delivery Plan. The evaluation is due to report early in 2012 and interim findings from the evaluation were published in June 2010.

Social Inclusion and Equalities Analysts are also working in partnership with Justice Analytical Services Division to develop a monitoring framework designed to support the roll-out of the Caledonian System, Priority Area 3 of the Delivery Plan (see 3.105-3.108) and, the Housing Research Team has undertaken an in-house evidence review of housing, homelessness and domestic abuse which will inform Priority Area 8. This review explores the relationship between domestic abuse and homelessness, housing policy developments and evidence on housing support needs of women, children and young people (see Scottish Government 2010b). This review has informed Chapter Two of this report.

\textsuperscript{64} [www.growingupinscotland.org.uk](www.growingupinscotland.org.uk)
Safer Lives – Data Collection

3.56 Data collection was identified as a key priority for action in Safer Lives (Scottish Government 2009a) as the lack of robust data on violence against women issues has been difficult since this work began. At a time when outcome measures are required to demonstrate positive progress, it is even more important that data is collected and applied appropriately.

3.57 With the above in mind, a Data Collection Working Group was established by the National Group to Address Violence Against Women and has developed an action plan, which will be implemented by a re-convened Data Collection Working Group. CoSLA will be closely involved in this work, which will contribute to the development of a logic model65 for Safer Lives.

Reporting

3.58 All of the information gathering and monitoring work undertaken by the Scottish Government is published on its website66. For example, monitoring of the National Performance Framework is reported on Scotland Performs and all statistical bulletins and research reports can be found on the publications pages. In addition, the national surveys mentioned at 3.47 publish survey reports on their websites (see Footnote 62). Further, as this Section has noted throughout, in-line with the current Gender Equality Duty all Government actions to progress information gathering, use of this information and monitoring are reported on in the Government’s Equality Schemes and related annual reports67.

Consultation

3.59 Consultation is an essential and important aspect of Scottish Government working methods. Consultation exercises aim to provide opportunities for all those who wish to express their opinions on a proposed area of work to do so in ways which will inform and enhance that work. The Scottish Government encourages consultation that is thorough, effective and appropriate to the issue under consideration and the nature of the target audience. Typically Scottish Government consultations68 involve a written paper inviting answers to specific questions or more general views about the material presented. Exercises may also involve seeking views in a number of different ways, such as through public meetings, workshops, focus groups or questionnaire exercises.

3.60 To ensure good practice at each stage of the consultation process the Scottish Government has developed three key consultation guidance documents: Consultation Good Practice Guidance (Scottish Government 2008f), Practical Guidance on Consulting with Children and Young People Experiencing Domestic Abuse (Stafford and Smith 2009) and Good Practice Guidance: Consultation with Equality Groups (Reid Howie Associates 2002). In addition,

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65 A tool that can be useful in the development of monitoring and evaluation plans as they help to identify short, medium and long-term outcomes that are linked to the key activities of a policy/programme/strategy.

66 www.scotland.gov.uk

67 See: www.scotland.gov.uk/Topics/People/Equality/18500/20506

68 All Scottish Government consultation papers and related publications (e.g. analysis of response reports) can be accessed at: www.scotland.gov.uk/consultations.
3.61 The good practice guidance in relation to equality groups was developed because of feedback from grassroots meetings with a number of groups, as part of the development of the *Equality Strategy*. This feedback suggested that some equalities groups had poor experiences of consultation, with an inconsistent approach and a lack of awareness of the issues they faced. Such feedback emphasises to the Scottish Government that effective consultation is vital to developing policies and practices that meet the needs of people in Scotland and in helping identify and address the inequalities that continue to exist between men and women in Scottish society. The following Section provides some examples of Scottish Government consultations that have been undertaken to do so, such as consultations on: the *Equality Strategy*; the new Equality Act specific duties (not yet in force); the current Gender Equality Duty; and, also consultations undertaken on violence against women issues such as forced marriage and human trafficking and with specific groups such as children and young people.

**Examples - Equalities**

3.62 The Scottish Government’s approach to equality work has been developed (and continues to be) through consultation. For example, the *Equality Strategy* (Scottish Executive 2000a) was developed through grassroots consultation events (Scottish Executive 2001b) to make sure that people with the most experience of discrimination had direct input and, for the current Gender Equality Duty, the Scottish Government held roundtable discussions with key stakeholders; one of which considered how to take forward the men’s agenda for Scotland.

3.63 These roundtable discussions identified six priorities for action, one being violence against women. Stakeholders recognised and welcomed the large investment made in supporting frontline services to support women and children, and to raise awareness but, they also emphasised more needed to be done on prevention and work with young people to develop their understanding and awareness as well as to support those children and young people who experience domestic abuse.

3.64 Subsequently, the Scottish Government’s Gender Equality Scheme 2008-2011 (Scottish Government 2008g) identified violence against women as one of its overarching objectives and actions such as those related to the *National Domestic Abuse Delivery Plan for Children and Young People* (Scottish

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69 These Standards were launched in 2005 and have been widely adopted in Community Planning Partnerships and in other areas of Government since their endorsement by: CoSLA, Scottish Council for Voluntary Organisations, Association of Chief Police Officers, Scottish Health Council and the Poverty Alliance. These were developed with the involvement of over 500 people from communities and agencies throughout Scotland. The Ten Standards are: Involvement; Support; Planning; Methods; Working Together; Sharing Information; Working with Others; Improvement; Feedback; and, Monitoring and Evaluation.

70 The others being: gender stereotyping in education; occupational segregation; equal pay; childcare; and women’s participation in decision-making.
Government 2008d) are influenced and driven by stakeholder engagement (see 3.71-3.72).

3.65 Further, in September 2009, Scottish Ministers launched a consultation on the scope of the new public sector equality duty specific duties. This ran until 15 January 2010. The outcome of this consultation will inform the content of the new specific duties that will be placed on Scottish public authorities to ensure the better performance of the general Equality Duty in the UK Government’s Equality (Act) 2010. The new general Equality Duty is expected to come into force around April 2011.

Examples – Issues Relevant to Violence Against Women

Domestic Abuse, Safer Lives, Women’s Fund and International Obligations

3.66 Consultation on violence against women documents and initiatives dates back to the development of the National Strategy to Address Domestic Abuse in Scotland (Scottish Executive 2000b) and has continued to present. Both open public consultation and more focused consultation with a range of stakeholders has been used as appropriate. In some cases a small, short-life working group has also been convened for example as part of the development of the Multi-Agency Partnership Guidance (see 3.126-3.127) and in relation to the most recent phase of the domestic abuse awareness raising campaign (see 3.94-3.99). The National Group to Address Violence Against Women also acts in a consultative capacity for example, in relation to final drafts of documents such as Safer Lives (Scottish Government 2009a) – suggested amendments are generally incorporated into the final text of a document, unless they are not consistent with overall policy aims.

3.67 The Scottish Government works closely with key stakeholders such as Scottish Women’s Aid and Rape Crisis Scotland. Further, through organisations such as Scottish Women’s Convention and Engender, the Scottish Government engages with women and women’s organisations and is able to support their engagement in policy development. The Government continues to engage with the UK Government and the UK Women’s National Commission and Scottish non-government organisations around International obligations on gender equality for example, CEDAW (see 3.15-3.16).

Forced Marriage and Human Trafficking

3.68 The Scottish Government has also consulted on specific issues which are receiving more attention in recent years for example forced marriage and human trafficking. The forced marriage consultation is discussed in Section One (3.39-3.42).

3.69 Section One (3.32) also noted that the Home Office and the Scottish Government consulted on the UK Action Plan on Human Trafficking before it was launched. Respondents to this consultation emphasised the need to, for

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72 Currently the consultation responses are being analysed. The final report is due to be published late Summer 2010.
Example: combat human trafficking from a human rights perspective; place the rights of the victim at the centre of the plan; do more to address child trafficking; and, ensure agencies’ systems collect and share data effectively.

3.70 As a result the multi-agency centre - the UK Human Trafficking Centre – with one of its central tenets the development of a victim-centred human rights based approach to tackling human trafficking was established. In addition, as mentioned at 3.32-3.38, the National Referral Mechanism is currently being piloted to ensure effective collection and sharing of data and actions to address child trafficking have been progressed through the development of effective assessment and guidance.

National Domestic Abuse Delivery Plan for Children and Young People

3.71 For the National Domestic Abuse Delivery Plan for Children and Young People (Scottish Government 2008d), Voice against Violence was set-up to enable the meaningful participation of children and young people affected by domestic abuse in the implementation of the Delivery Plan programme (e.g. see Houghton 2008; Smith et al 2008). Its young members are now a formally recognised advisory body to Scottish Ministers, CoSLA Leaders and the Delivery Plan Programme Board, helping to ensure that the Scottish Government’s approach to domestic abuse makes a real difference to children, families and communities.

3.72 For example, on the Caledonian System (see 3.105-3.108) young people were supportive of making programmes available to men to help them “control their anger” but were very clear that men should want to go to these programmes and should want to change, otherwise it could make things worse. Related to the pilot domestic abuse court in Glasgow (see 3.109-3.113), young people reflected on their experiences in court and some expressed the importance that those in court understood the position of their families. They also said that in court young people should have the opportunity to give their views and as attendance at court can be frightening they said that a special room and a support worker should be available for them. On CEDAR (see 3.114-3.116), young people were very positive about participating in groupwork sessions saying that it offers them a real opportunity to understand what happened to them, have fun and make friends.

74 http://www.soca.gov.uk/about-soca/about-the-ukhtc
CHAPTER 3, SECTION 3: INITIATIVES AND SPECIFIC WORK

Introduction

3.73 This Section firstly focuses on national funding of initiatives and provision of services/support to address violence against women. Following on, evidence of impact of funding streams for particular initiatives, service provision and support work projects is highlighted.

3.74 The Scottish Government has commissioned a number of evaluations to demonstrate impact, for example on: the Domestic Abuse Service Development Fund; the Zero Tolerance “Respect” Pilot; the Children’s Services Women’s Aid Fund; the Scottish Domestic Abuse Helpline; the Getting it right for every child Domestic Abuse Pathfinder; the Pilot Domestic Abuse Court in Glasgow; and, the annual Domestic Abuse Campaigns.

3.75 This Section ends with a discussion on some of the initiatives currently being progressed under the National Domestic Abuse Delivery Plan for Children and Young People (Scottish Government 2008d).

Summary – Information Gathering, Monitoring and Reporting

• The Scottish Government publishes a yearly Statistical Bulletin on “Domestic Abuse Recorded by the Police in Scotland” which describes characteristics of victims and perpetrators of domestic abuse.
• The Scottish Crime and Justice Survey provides additional evidence on “Partner Abuse” and “Sexual Victimisation and Stalking”.
• Work is being progressed by Government analysts for the National Domestic Abuse Delivery Plan for Children and Young People: e.g. supporting the CEDAR evaluation; developing a monitoring framework to support the roll-out of the Caledonian System; and, undertaking an evidence review to explore the relationships between domestic abuse, housing and homelessness.
• Data collection was identified as a key priority for action in Safer Lives and a Data Collection Working Group is to develop a logic model for Safer Lives with close involvement from CoSLA.
• Consultation is an essential and important aspect of Scottish Government working methods - good practice guidance has been developed alongside specific guidance in relation to children and young people and equality groups.
• Consultation on violence against women documents and initiatives dates back to the National Strategy to Address Domestic Abuse in Scotland and continues to the present with for example, a short-life working group to assist with the development of Multi-Agency Partnership Guidance and Voice Against Violence to enable meaningful participation of children and young people affected by domestic abuse.
• The Scottish Government has consulted on specific issues which are receiving more attention in recent years such as forced marriage and human trafficking.
National Funding, Initiatives, and Provision of Services/Support

3.76 Since the establishment of the Scottish Partnership on Domestic Abuse, the Scottish Government has committed funding to violence against women services and support work through various funding streams, for example through the:

- **Domestic Abuse Service Development Fund** which was established in 1999 following the early work of the Partnership to provide financial support to local work focusing on: prevention of domestic abuse; protection of those who had experienced domestic abuse; and, provision of services to meet their requirements. The Fund provided financial support to local work to take forward the National Strategy to Address Domestic Abuse in Scotland (Scottish Executive 2000b).

- The **Children’s Services Women’s Aid Fund** for example, invested £6 million over the period 2006-2008 for specialist workers to offer direct support to children and young people experiencing domestic abuse. A total of 43 projects were funded offering support to children in refuges, follow-on support to children leaving a refuge and outreach work to children in the community. This Fund is still in operation – see below.

- The **Rape Crisis Specific Fund 2008-2011** provides core funding for local rape crisis centres specifically aimed at services to support women who have been raped or sexually assaulted.

- The **Violence Against Women Funding Stream** (see below).

3.77 Currently, the Scottish Government (2010a) reports that the Government has committed £44 million to support a range of initiatives to tackle violence against women, including:

- Funding 73 projects through the **Violence Against Women Funding Stream**.

- Support for a network of specialist children’s services through the **Children’s Services Women’s Aid Fund**.

- Under the framework of the National Domestic Abuse Delivery Plan for Children and Young People, the implementation of a programme of routine enquiry for domestic abuse in key healthcare settings (see 3.101-3.104), the piloting of CEDAR (see 3.114-3.116) and supporting the roll-out of the Caledonian System (see 3.105-3.108).

- Supporting the national programme of work of Scottish Women’s Aid and Rape Crisis Scotland.

- Funding both the Scottish Domestic Abuse Helpline and National Rape Crisis Helpline.

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75 Scottish Women’s Aid: [www.scottishwomensaid.org.uk](http://www.scottishwomensaid.org.uk)
Rape Crisis Scotland: [www.rapecrisisscotland.org.uk](http://www.rapecrisisscotland.org.uk)
• Funding ASSIST (Advocacy, Support and Information Services Together) - the support service for victims going through the domestic abuse court in Glasgow (see 3.109-3.113).

• Roll-out of phase two of the National Violence Against Women Training Strategy and continued funding for 15 local training consortia (see 3.121-3.125).

• Yearly Domestic Abuse Campaigns and funding to Rape Crisis Scotland for another media campaign to run in 2010, building on the success of their “This is not an invitation to rape me” campaign.76

Impact Evaluations

The Domestic Abuse Service Development Fund 2000-2002

3.78 The Domestic Abuse Service Development Fund 2000-2002 supported 59 projects across Scotland covering work in relation to strategic planning and co-ordination work; public awareness raising in the community or schools, developing new or extending service provision; and undertaking work with specific groups of women and children.

3.79 The evaluation of the Fund (Reid 2003) showed that projects funded had a positive impact on: providers’ awareness and understanding of domestic abuse; multi-agency working and co-ordination; policy development; services and resources; the quality of provision to service users; and raising public awareness of domestic abuse and services available.

3.80 The evaluation provided a clear and repeated message that the Fund had been essential to the promotion of the National Strategy to Address Domestic Abuse and provided good value for money.

The Zero Tolerance “Respect” Pilot

3.81 A project in relation to raising awareness in schools was the Zero Tolerance “Respect” Pilot. This project was the first campaign in Scotland to use an integrated approach to primary prevention work with children and young people in primary and secondary schools and youth work settings to address violence against women.

3.82 The “Respect” package was developed by the Zero Tolerance Trust comprising teaching materials for groupwork sessions77 and included the use of a CD Rom, bus sides, posters and screensavers, all of which promoted the messages of equality and respect.

76 www.rapecrisisscotland.org.uk/campaigning.htm
77 In secondary schools and youth groups topics covered included, for example: “the meaning of respect” and “showing respect”; power and misuse of power looking at examples relevant to young people such as bullying, physical violence and racial and sexual harassment; an “It's Not Fair” session where the group was split arbitrarily and given materials of different quality to produce a poster; an information session about abuse and violence within relationships; a Quiz session where young people were encouraged to explore their own attitudes to violence and abuse. The primary school programme covered similar issues appropriate to that age group.
3.83 The evaluation findings (Reid Howie Associates 2002) found that 85% of staff believed the project to be successful. They said participating in the project had increased their skills by providing them with additional knowledge on violence against women, equality and respect. Young people said that the benefits to them were raising their awareness of the issues, encouraging them to treat each other properly and helping them to begin work to prevent violence and abuse. Indeed, 78% of the primary school pupils and almost half of the older participants believed that they had changed personally as a result of participation in the project.

3.84 The overall conclusion of the evaluation was “the need for primary prevention work to continue, within a consistent national framework with the main recommendation that this should be undertaken with young people across Scotland as part of the approach to tackle violence against women.” This recommendation is reflected in Priority Area 10 of the National Domestic Abuse Delivery Plan for Children and Young People which relates to primary prevention through education (see 3.137).

**The Children’s Services Women’s Aid fund**

3.85 The evaluation of the Children’s Services Women’s Aid Fund (Stafford et al 2009) looked at the effectiveness of the Fund in its first year of operation (2006-2007).

3.86 Key findings of the evaluation were that all projects enhanced support to children in refuges and to children leaving refuges and receiving follow-on support. In addition, all the projects were in the process of developing an outreach service to children experiencing domestic abuse (whose mothers were still living at home) and they all enabled an increased number of children and young people to access a Women’s Aid Service. Further, the children’s support workers were working in participative ways with children and partnership working between Women’s Aid and other organisations was mainly positive. The evaluation found that when issues arose, partners were working hard to understand each other’s perspective and resolve them.

**The National Scottish Domestic Abuse Helpline**

3.87 The National Scottish Domestic Abuse Helpline was established as part of a commitment in the National Strategy to Address Domestic Abuse (Scottish Government 2000b). The Helpline offers emotional and practical support to victims of domestic abuse and provides information on relevant issues and local sources of specialist help. The Helpline was evaluated over the period 2000-2003 to provide feedback on the service provided by the Helpline and to assist decisions about its future operation.

3.88 The evaluation (Brown 2004) found that the number of attempts to access the Helpline rose from 170 per week in 2000 to 230 per week in 2003. The number of calls received by operators rose from less than 10-a-day in early December 2002 to 122 in one day during the Christmas 2002-New Year 2003 television Domestic Abuse Campaign. Overall the evaluation showed the Helpline to be an invaluable source of support and information to victims of domestic abuse, their friends, relatives and agencies. The evaluation reported that the Helpline fulfils a unique role in being able to offer dedicated emotional and practical
support and information to a wide range of victims of domestic abuse and others (including agencies, male victims and perpetrators), particularly during times when most agencies are closed.

3.89 The evaluation’s recommendations for improvement and future development were taken on-board to ensure the future success of the Helpline which is still supported today by the Scottish Government. Recommendations included for example, providing more frequent and ongoing training to volunteers, developing a formal strategy and action plan in relation to training programmes, publicity campaigns and monitoring and evaluation, and extending the service to 24 hours.

**Getting it right for every child Domestic Abuse Pathfinder**

3.90 The *Getting it right for every child* Domestic Abuse Pathfinder sites (Dumfries and Galloway, Clydebank, Falkirk and North Edinburgh) were set-up in 2006-07 to develop and test a *Getting it right* approach\(^78\) for children and young people affected by domestic abuse supported by interagency protocols and specific tools including a Data Capture Form and Child Concerns Form. Originally planned to complete by March 2009, the Pathfinders were extended to March 2010 to enable time for Project Boards to embed learning across services. A final evaluation report is due to be published Summer 2010.

3.91 An initial evaluation briefing of the Pathfinder’s development and implementation phases was published in January 2010 (Stradling et al 2010). The evaluation states that “…the most significant contribution [of the Pathfinders] has been to raise awareness across all services and agencies to the impact that domestic abuse in all its forms can have on the children and young people who are exposed to it.”

3.92 In addition, the evaluation found that data from all sites indicates that improvements in information gathering and sharing are contributing to: better multi-agency joint working between children’s services, adult services and the voluntary sector; providing services with better quality information available to the universal services working with those children and families; and, helping a shift from automatic referrals to the Children’s Reporter towards ensuring a more proportionate response to children exposed to different levels of domestic abuse.

3.93 The learning from these Pathfinders has informed (and continues to do so) the development, implementation and progress of the *National Domestic Abuse Delivery Plan for Children and Young People* (Scottish Government 2008d).

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\(^{78}\) This approach requires universal services and agencies to: be proactive about identifying risks associated with domestic abuse; work together; provide support for children that meets their needs in a holistic way, and respect their right, where appropriate to confidentiality and to participate in decision-making processes that affect them; integrate support for children with support for their mothers and to put in place interventions for perpetrators, which hold them accountable for the abuse and place expectations on them to address their abusive behaviour.
3.94 Since 1998, the Scottish Government has been conducting annual advertising campaigns\textsuperscript{79} to strengthen the view that domestic abuse is totally unacceptable, using the strapline “Domestic Abuse: there’s no excuse”. The main message in the 2008-09 campaign (Wave 12) was that there is help out there for people who find themselves in abusive situations. Previous campaigns, alongside the promotion of the Domestic Abuse Helpline, have for example, sought to underline the effects domestic abuse has on children in families where it is present (2007-08, Wave 11), raise awareness of the impact of psychological domestic abuse (2006-07, Wave 10) and strengthen public opposition to, and condemnation of, domestic abuse as totally unacceptable behaviour (2005-06, Wave 9).

3.95 Campaigns are evaluated yearly. Overall, the evaluations\textsuperscript{80} have shown that the main aims of the campaigns year on year are achieved with high percentages of respondents spontaneously recalling they had seen or heard advertising or publicity on domestic abuse (e.g. 90% in 2008-09). Following the campaign, questionnaire interviews are undertaken. Over the years that the campaign has run similar questions have been asked to allow comparability over-time. Alongside asking questions to gauge recall, questions are asked on experience of domestic abuse, attitudes towards domestic abuse and attitudes on exploitation of women (rape, pornography and prostitution). The latter were added in 2006. Examples of evaluation findings are provided below. Such findings help to track public attitudes and perceptions of domestic abuse and inform future focus of Scottish Government campaigning.

3.96 The proportion of respondents who had any experience of domestic abuse dropped from 38% in Wave 11 (2007-08) to 21% in Wave 12 (2008-09) and the percentage of respondents who said they had personally been the victim of domestic abuse dropped from 13% to 8% respectively. The 2008-09 evaluation noted that 87% of respondents were more likely to say that domestic abuse was most common within working classes. This response has remained steady (between 87%-89%) over the past four Waves of the campaign.

3.97 Attitudinally, evaluation findings indicate few significant changes over the recent waves of the campaign with the Scottish public continuing to agree that domestic abuse is unacceptable. Attitudes to domestic abuse seem to be firmly held which leads to little year on year change although advertising does play a role in maintaining these benefits.

3.98 That said, evaluations have highlighted positive and negative changes in attitudes for example, “if a woman experiences domestic abuse but stays with her partner, it’s her fault if she experiences further abuse in future” decreased by 11% from 34% in Wave 11 to 23% in Wave 12. However, “domestic abuse

\textsuperscript{79} The yearly campaign involves a combination of television advertisement, radio campaigning, online adds and editorial platforms (e.g. The Big Issue, Daily Record, outdoor posters). Television adverts have included for example, Behind Closed Doors launched in 2000, Doll’s House in 2002, Teddy in 2007-08 and “I soar” in 2008-09. Radio was used for the first time in 2005 with the post-campaign evaluation suggesting that radio was a good medium for campaigning with a higher return on investment, thus it has been utilised since.

\textsuperscript{80} All the Post Campaign Evaluation Reports can be found at: www.scotland.gov.uk/Publications
of one partner by another is a common occurrence in Scotland” increased by 15% between Wave 9 (2006) and Wave 12 (54% and 69% respectively). Further, “people who escape from domestic abuse can go on to make a new life for themselves afterwards” decreased by 19% from 86% in Wave 9 to 67% in Wave 12.

3.99 In 2008-09 whilst, the majority of respondents thought that pornography and prostitution were exploitative of women (56% and 63% respectively), this has dropped slightly from 2007-08 (62% and 68% respectively). On attitudes in relation to rape, evaluations have shown that although the majority of respondents do not believe that a woman is responsible for rape in most circumstances over a quarter (26%) of respondents in 2008-09 thought that a woman was partly, mostly or totally responsible for being raped “if she is drunk” – this has remained constant over the last three Waves.

National Domestic Abuse Delivery Plan for Children and Young People

3.100 The Delivery Plan sets out thirteen Priority Areas for Action that the Scottish Government is resourcing and progressing with partners over the three-year period of the Plan (2008-2011) to enable more effective protection, provision, prevention and participation for all children, young people and their families affected, or at risk of being affected, by domestic abuse in Scotland. Examples of actions being progressed under Priority Areas 1, 3, 4 and 7 are discussed below. See 3.55 for Priority Area 8 and 3.137 for Priority Area 10.

National Health Service – Routine Enquiry

3.101 Priority Area 1 commits to the improvement of the National Health Service’s (NHS Scotland) identification of and response to the needs of women and children affected by domestic abuse.

3.102 Under this priority a three-year programme of work to improve the identification and management of gender-based violence across NHS Scotland commenced in October 2008 with the issue of a Chief Executive’s Letter (CEL-41) to Health Boards. The aim of the programme is “to adopt a systems approach to ensure that the NHS in Scotland fully recognises and meets its responsibilities around gender-based violence as a service provider, employer and partner agency.”

3.103 A cornerstone of the programme is the introduction of routine enquiry of domestic abuse across six priority settings: maternity, mental health, substance misuse, community nursing, sexual and reproductive health and accident and emergency. In substance misuse and mental health services this will also include routine enquiry of childhood sexual abuse.

3.104 Local health boards have submitted action plans identifying how they will take this forward and this year will be focusing on three settings: maternity, mental health and substance misuse. A national training programme has been developed for staff undertaking routine enquiry and is currently being rolled-out across Scotland.
**Caledonian System**

3.105 Under Priority Area 3 the Scottish Government has committed to build on the accreditation process of the court-mandated Caledonian System\(^{81}\) which has been developed over the last five years by practitioners from CHANGE\(^{82}\), Edinburgh’s Domestic Violence Probation Programme and Scottish Association for the Care and Resettlement of Offenders/Forth Valley. It has the backing of a number of Local Authorities, including: the City of Edinburgh and the Lothian and Borders consortium; Dumfries and Galloway; the Forth Valley partnership; Glasgow City and, South Lanarkshire.

3.106 The Caledonian System includes a programme for adult male offenders age 16+, who have been convicted of offences involving domestic abuse, whose abuse has taken place in a heterosexual relationship and who are subject to statutory supervision. It will be delivered by trained Criminal Justice Social Work staff in a group setting and attendance at the programme will be a condition of any Order or Licence (if they meet the eligibility criteria and have been assessed as suitable). The minimum period of statutory supervision for entry on to the programme is two years. The Men’s Programme comprises a minimum of fourteen pre-group work sessions followed by twenty-five sessions (each around 3 hours duration), followed by post-group maintenance work, the length of which is dependent upon length or order/licence and assessed risk/needs.

3.107 The System also includes three other elements: a service to women partners, ex-partners and children which includes personal support and contact from a women’s service worker; a training programme for Criminal Justice staff; and, a training programme for staff involved in women’s and children’s services and the development of inter-agency protocols designed to maximise women’s and children’s safety and thus reduce the opportunity for, or likelihood of men re-offending.

3.108 A Project Delivery Team for the Caledonian System has been in place since June 2009 and its members are staff from the Gender Equality and Violence Against Women Team in the Scottish Government and the Effective Practice Unit in the Criminal Justice Directorate. Community Justice Authorities (CJAs) were invited to bid to run the Caledonian System and funding has been awarded to four CJAs.

**Domestic Abuse Court**

3.109 Under Priority Area 4 the Government has committed to take forward the Scottish Ministers’ decisions on the report of *The Domestic Abuse Feasibility Study Group* (Scottish Government 2008h) in response to the positive evaluation of the pilot domestic abuse court in Glasgow.

3.110 The pilot domestic abuse court was established in Glasgow in October 2004. The model adopted involved the designation of a specific court in Glasgow.

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\(^{81}\) The full name of the System is: *The Caledonian System: an integrated approach to address men’s domestic abuse and improve the lives of women, children and men*. The Scottish Accreditation Panel for Offender Programmes accredited the Caledonian System in February 2009.

\(^{82}\) An organisation established to challenge and change men who are violent to women.
Sheriff Court as a domestic abuse court. The court heard all domestic abuse summary criminal cases within “G” Division of Strathclyde Police (with the exception of East Renfrewshire).

3.111 A range of organisations were involved in delivering the pilot: the police; a new ASSIST (Advocacy, Support and Information Services Together) service providing support to victims; Victim Information and Advice (VIA); Victim Support Scotland (VSS); a dedicated Procurator Fiscal depute; four dedicated Sheriffs; and, the social work service.

3.112 Following a positive evaluation (Reid Howie Associates 2007) of the pilot court in Glasgow, all cases are now dealt with in a dedicated domestic abuse court or by specialist provision within mainstream courts. Victims of domestic abuse and their families can access advocacy and support services provided by ASSIST. Over 6,236 clients and their families have already made use of the advocacy service, which has recently been expanded to cover cases throughout the city of Glasgow.

3.113 Further, the Scottish Government has, on taking forward Ministers’ decisions on the report of the Feasibility Study Group developed a toolkit (Connelly 2008) using learning from the Glasgow pilot (and elsewhere) to support and encourage Criminal Justice Agencies across Scotland to review their practice and improve handling of domestic abuse cases in court.

Children Experiencing Domestic Abuse Recovery (CEDAR)

3.114 Priority Area 7 commits to the development and piloting of a community-based model of groupwork intervention for children and their mothers affected by domestic abuse. In this context three CEDAR pilots are being taken forward in Edinburgh and Fife Local Authorities and Forth Valley Health Board area.

3.115 CEDAR is a multi-agency therapeutic groupwork programme for children and their mothers who have experienced domestic abuse and is based on a model which has operated very successfully for a number of years in Ontario, Canada and which has also been introduced by the London Borough of Sutton. The aims of the CEDAR projects are to improve outcomes for children, young people and women affected by domestic abuse and improve joint working by agencies and their responses to support them.

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83 Hearing only domestic abuse cases, perpetrated by men or women against men or women. The court covered all stages of the criminal court process, with its own programme, including first appearance custody cases, intermediate diets and trials, as well as reviews and deferred sentences.

84 The Group reported that a strong case can be made for continuing and expanding the initiative of the domestic abuse pilot and that a focused investment is justified by the particular needs and opportunities which arise in domestic abuse cases. They also recommended that a separate bespoke agency based on the ASSIST model should continue to be used, and that work is continued to ensure effective and transparent protocols with relevant partners.

85 The model is an important interagency initiative which is based on evidence of what works for children and young people experiencing domestic abuse, in summary: they are at the centre of the programme; the programme works in an “empowering” way to support women, children and young people; it works to enhance the resilience and emotional intelligence of children and young people; it supports mothers to support their children; and, emphasises that supporting children and young people with experience of domestic abuse is a shared responsibility amongst children’s service providers.
3.116 Each Local Authority “hosts” the project, employing one full-time children’s group and one part-time mother’s group co-ordinator responsible for managing and co-ordinating the groupwork programme. The group programme is delivered to children and mothers by the group co-ordinator in partnership with group facilitators whose time is “donated” by partner agencies. The groupwork programme runs for 12 weeks. Currently, the CEDAR pilots are being evaluated with a view to determining how learning and methodologies could be applied in other areas.

Summary – Initiatives and Specific Work

- Since the establishment of the Scottish Partnership on Domestic Abuse, the Scottish Government has committed funding to violence against women services and support work through various funding streams: for example, the Domestic Abuse Service Development Fund, the Children’s Services Women’s Aid Fund, the Rape Crisis Specific Fund and the Violence Against Women Funding Stream.

- Impact evaluations of initiatives funded have been positive finding, for example, the Domestic Abuse Service Development Fund had been essential to the promotion of the National Strategy to Address Domestic Abuse. The “Respect” pilot raised awareness of violence against women issues amongst young people and encouraged them to treat each other properly. The Children’s Services Women’s Aid Fund enhanced support to children in refuges and to children leaving refuges and receiving follow-on support. The National Domestic Abuse Helpline evaluation stated that the Helpline fulfils a unique role in being able to offer dedicated emotional and practical support and information to a wider range of victims of abuse, particularly during times when most agencies are closed. The Domestic Abuse Pathfinders have improved information gathering and sharing and are contributing to better multi-agency joint working between children’s services, adult services and the voluntary sector.

- The Scottish Government has been conducting an annual Domestic Abuse Campaign since 1998 to strengthen the view that domestic abuse is totally unacceptable. Campaign evaluations have shown that the main aims of the campaign year on year are achieved with high percentages of respondents spontaneously recalling they had seen or heard the advertising or publicity on domestic abuse.

- There are a number of initiatives being developed and progressed under the framework of the National Domestic Abuse Delivery Plan for Children and Young People. These include: the introduction of routine enquiry of domestic abuse in NHS settings; building on the accreditation of the court-mandated Caledonian System; using a toolkit – developed from the positive learning of the Pilot Domestic Abuse Court in Glasgow - to support and encourage Criminal Justice Agencies across Scotland to review their practice; and, piloting CEDAR, a community-based model of groupwork intervention for children and their mothers affected by domestic abuse.

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86 See CEDAR Forth Valley at [www.cedarfv.org.uk/cedar](http://www.cedarfv.org.uk/cedar) as an example of a Group Programme.
CHAPTER 3, SECTION 4: TRAINING AND AWARENESS RAISING

Introduction

3.117 Alongside the yearly domestic abuse campaign highlighted in Section Three (3.94-3.99), Scottish Government work progressed since the launch of the National Strategy to Address Domestic Abuse (Scottish Executive 2000b) has resulted in the development and publication of a number of key national training strategies and specific guidance – developed in consultation with key stakeholders - in relation to raising awareness to progress work to tackle violence against women in Scotland. This Section focuses on this work.

National Awareness Raising – Training and Guidance

3.118 Training has been developed and implemented on, for example, domestic abuse and violence against women training strategies targeted at key sectors such as health care, the police, the voluntary sector and Local Authorities and Community Planning Partners to promote a shared understanding and multi-agency partnership working.

3.119 Individual guidance has been developed and implemented in relation to specific sectors such as health, housing and education and on specific groups such as children and young people. Guidance has also been developed on specific violence against women issues for example, guidance on street prostitution for Local Authorities and their Community Planning Partners (Scottish Executive 2005) and guidance to assist and support professionals to safeguard children in Scotland who may have been trafficked (Scottish Government 2009) (see 3.36-3.37 on the latter by way of example).

3.120 To provide insight on national training strategies and guidance, the remainder of this Section discusses some examples of these in a little more detail to demonstrate progress made by the Scottish Government to raise awareness on violence against women issues across the public sector.

Training

3.121 In relation to domestic abuse, the implementation of the Domestic Abuse – A National Training Strategy (Scottish Executive 2004d) (Phase One) led to the establishment of domestic abuse training consortia across Scotland. The consortia are made-up of representatives of key public agencies relevant to the violence against women agenda including police, health and Local Authorities and voluntary sector partners. Their role is to ensure that the aims (see below) of the strategy are fulfilled locally, and to assist agencies to make the required changes. Most consortia employ a co-ordinator to oversee the work. All provide direct training as well as advice and consultancy to public agencies.

3.122 This Phase One strategy focuses on identifying training and development activity required to support improvement in services to women and children who are experiencing domestic abuse, and to men who use violence. It

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87 This strategy includes information on: content of training; agreed standards and good practice for training; capacity building; and provides information on action plan development and examples of training materials.
provides national co-ordination of training on domestic abuse alongside emphasising the requirement for a multi-agency approach\textsuperscript{88} to increase capacity to deliver training. This strategy was viewed as a “living” document to evolve over-time and thus has subsequently been reviewed.

3.123 The reviewed training strategy (which is consistent with the shared approach set out in \textit{Safer Lives}: \textit{Violence Against Women National Training Strategy Phase II: March 2009-2011} and accompanying \textit{Guidance for Training Consortia} (Scottish Government 2009g) take a mainstreaming approach focusing on Government priorities including the Caledonian System (see 3.105-3.108), the \textit{Domestic Abuse Delivery Plan for Children and Young People} (3.27-3.31), Guidance to Multi-Agency Partnerships (see below) and the NHS Chief Executive’s Letter (CEL 41, 2008-Gender-based Violence Action Plan (see 3.101-3.104) and below). Through this, it encourages public agencies to see training on wider issues of violence against women as “core business”.

3.124 The above strategy and accompanying guidance do not prescribe what training consortia should do locally, but set out a recommended approach\textsuperscript{89} to the focus of activity as well as broad principles about how to contribute to the national agenda whilst allowing for local flexibility. As good partnership working is fundamental to training consortia being effective, the guidance includes examples of training consortia good practice across the country.

3.125 The Scottish Government has allocated funding for two years from 2009 to implement Phase Two. The infrastructure to support this continues from Phase One and comprises two national staff supported by the Scottish Government (another member of staff is supported by the Women’s Support Project) to co-ordinate work nationally and to develop national standards and materials, and 15 local training consortia roughly corresponding to health care boundaries responsible for implementing the strategy locally. This is to ensure that all agencies individually and working together can provide the best possible service to anyone affected by violence against women anywhere in Scotland and that they have the knowledge, understanding and skills to intervene effectively and work across professional boundaries.

\textit{Guidance}

\textit{Multi-Agency Partnerships}

3.126 In the context of these training strategies, the Scottish Government and CoSLA (Convention of Scottish Local Authorities) (2009a) published guidance for Multi-Agency Partnerships (MAPs) to support Local Authorities to work consistently with the Government’s strategic direction (\textit{Safer Lives}) and take a multi-agency approach to develop effective local strategies and activities to tackle violence against women in all its forms. The intention is that action to tackle violence against women will be integral to the core activities of local agencies and structures such as Community Planning Partnerships.

\textsuperscript{88} The strategy notes that each sector – e.g. police, social work, health, education, housing, voluntary - will have both similar and different training needs.

\textsuperscript{89} Working consistently with \textit{Safer Lives} with a focus on sustainability and mainstreaming the main elements of this approach are: taking incremental steps to develop and implement partnership working, participation, sharing resources and ensuring joint responsibility and accountability.
3.127 This guidance does not prescribe what MAPs should do locally, but sets out a recommended approach for focusing activity and broad principles about how to contribute to the national agenda while allowing local flexibility. Alongside examples of how MAPs across the country are tackling these issues, the guidance provides a series of checklists on what MAPs could do in relation to: defining violence against women; working in partnership; training; information and knowledge; membership; accountability and information sharing; making the right connections; action planning; and, improving data and mechanisms for measuring progress.

Health

3.128 In the context of the health sector the then Scottish Executive (2003c) published guidance for healthcare workers. This guidance outlines the nature and prevalence of domestic abuse in Scotland and presents the Scottish Government’s definition, policy and action taken so far to address the issue. The guidance explores some of the health effects of domestic abuse and the difficulties in discussing the issue. Further, the signs which may suggest abuse and the principles established which should inform practice are outlined and guidance is also provided on supporting and advising women appropriately.

3.129 To develop training and guidance further for healthcare workers in the wider context of violence against women, as mentioned at 3.101-3.104, a three-year programme of work to improve the identification and management of gender-based violence across NHS Scotland commenced in October 2008.

3.130 To support this programme, a suite of practice guidance for all healthcare workers has been produced to support them work effectively with victims of gender-based violence. The series covers different aspects of gender-based violence including childhood sexual abuse, domestic abuse, rape/sexual assault, stalking and harassment, commercial sexual exploitation and harmful traditional practices. A summary of this information has been produced on a series of small cards that will be handier for staff90.

Housing

3.131 In the context of housing and homelessness the Scottish Government and the Convention of Scottish Local Authorities (2009b) published guidance on preventing homelessness.

3.132 The Scottish Government (2010b) highlights that this guidance promotes and recognises those suffering from domestic abuse as a particular high risk group for homelessness prevention and pre-crisis activity and promotes joint multi-agency training on the causes and impacts of domestic abuse. The Scottish Government (2010b) states (as written in this report) that this guidance sets out the following good practice guidance in relation to responding to these risks:

• Social landlords should review and where necessary amend allocation and transfer policies to ensure they meet good practice and consider if rent arrears and repairs procedures are unfairly penalising women affected by domestic abuse issues.

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90 See: www.gbv.scot.nhs.uk
• Local Authorities and Registered Social Landlords should liaise with specialist support agencies such as Women’s Aid groups to ensure that women are able to access appropriate legal advice and that they have support to engage with it to seek appropriate legal remedies.

• Good practice principles for engaging with women affected by domestic abuse should lead to the development of guidance for staff, for example, interviewing techniques and an emphasis on sensitivity and confidentiality. It also states that it is likely to be helpful in cases of domestic abuse to include a clause in allocations policy for housing the perpetrator of the abuse should they apply for re-housing.

3.133 The Scottish Government (2010b) notes that this guidance cites two best practice examples, one of these, Edinburgh Safe as Houses (a project funded by the Scottish Government’s Homeless Prevention Innovation Fund see: Sharp and Robertson 2008), aimed to keep women within their existing accommodation, whilst the other, Multi-Agency Risk Assessment Conferences, focused more on sharing knowledge and taking action on the basis of this (see also Chapter Two, 2.51-2.52).

Children and Young People

3.134 In the context of children and young people experiencing domestic abuse the then Scottish Executive (2004e) produced a Guidance Note for Planners. This guidance provides planners in local public agencies with a guide to incorporating the needs of children and young people experiencing domestic abuse into key local plans to ensure effective support within refuges and in the community. It specifically aims to ensure that children and young people are recognised as “children in need” and ensuring a strategic, integrated approach to providing the range of services to address therapeutic, practical and support needs of children and young people locally and nationally.

3.135 Following on from this guidance, for example, an Improving Outcomes for Children and Young People Experiencing Domestic Abuse Monitoring and Evaluation Framework (Scottish Government 2009h) has been developed.

3.136 This framework – developed under the National Domestic Abuse Delivery Plan for Children and Young People (Scottish Government 2008d) - aims to support Women’s Aid Groups, Children’s Services and Children’s Services Planners to monitor, evaluate and report on services for children and young people experiencing domestic abuse. It sets out a step-by-step guide to help Children’s Services to work in partnership to develop their monitoring and evaluation plan. It provides a monitoring and evaluation reporting template and improving outcomes monitoring and evaluation toolkit, including observing tools

91 The definition of “children in need” contained in the Children Scotland (Act) 1995 was expanded in the Audit and Review of Child Protection (2002) to include children and young people experiencing domestic abuse.

92 Step 1, clarify your aims, objectives and outcomes; Step 2, set up systems to monitor your outputs; Step 3, set up systems to measure your outcomes; Step 4, review and analyse your outputs and outcomes and Step 5, report on what you have achieved and your objectives for improvement.
for carrying out and recording observations with children and young people and active tools for children and young people to complete themselves\(^93\).

3.137 Also, under the **National Domestic Abuse Delivery Plan for Children and Young People** (Scottish Government 2008d) a key priority is primary prevention through education (Priority Area 10). The Scottish Government is developing a resource, scheduled to be published in November 2010 for school staff which will draw on existing practice examples from across Scotland, including the *Getting it right for every child* Domestic Abuse Pathfinder areas (see 3.90-3.93). This work is to ensure domestic abuse prevention is embedded into relevant strands of *A Curriculum for Excellence*\(^94\) to ensure that schools\(^95\) are supported and recognised for the work they do to address domestic abuse.

### Summary – Training and Awareness Raising

- Since the launch of the **National Strategy to Address Domestic Abuse in Scotland**, the Scottish Government has developed and published a number of key national training strategies and specific guidance documents targeted at key sectors (e.g. health, housing, police, voluntary sector, Local Authorities and Community Planning Partners).
- Specific guidance has also been developed and implemented on particular groups and issues (e.g. children and young people, street prostitution and child trafficking).
- Training strategies focus on identifying training and development activity required to support improvement in services to women and children experiencing abuse/violence, and men who use violence. Strategies set out recommended approaches to the focus of activity, promote mainstreaming and good partnership working (through adoption of multi-agency approaches) to develop effective local strategies and activities to tackle violence against women in all its forms.
- Scottish Government training strategies have also led to the establishment of training consortia across Scotland made-up of representatives of key public agencies relevant to the violence against women agenda: police, health, Local Authorities and voluntary sector partners.

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\(^93\) For example observation checklists on: offering opinion, making decisions and choices; and healthy relationships. Active tools such as: relationship flashcard tool; understanding healthy relationships; healthy relationships wall: knowledge of how to build healthier relationships; feeling faces tools: identifying what you are feeling and why you are feeling that way by showing pictures of people’s faces with different feelings (e.g. happy, sad, shy, scared) expressed.

\(^94\) [www.lts.org.uk/curriculumforexcellence.index.asp](http://www.lts.org.uk/curriculumforexcellence.index.asp)

\(^95\) For previous related guidance in relation to Schools see, for example: Scottish Executive (2003d) and Scottish Executive (2007b).
Conclusions

3.138 This Chapter has shown that equalities and tackling violence against women issues are central to the Scottish Government’s work – important here is the work of the Equality Unit and the Social Inclusion and Equalities Analysis Team to extend and promote ownership of equality issues throughout the Scottish Government.

3.139 Further, this Chapter has highlighted that the Scottish Government has progressed a significant amount of work to tackle violence against women through key strategies/frameworks, for example: the National Strategy to Address Domestic Abuse in Scotland, the National Domestic Abuse Delivery Plan for Children and Young People and Safer Lives. In addition, work progressed on specific issues such as forced marriage and human trafficking has also been highlighted.

3.140 To support understanding of violence against women and evidence policy the information gathering, monitoring and reporting activities of the Scottish Government were outlined. Work discussed here such as key Government Statistical Bulletins on Domestic Abuse, Partner Abuse and Victimisation and Stalking have been used to inform Chapter Two of this report.

3.141 Further, this Chapter highlighted that consultation is an essential and important aspect of Scottish Government working methods and that consultation on violence against women documents dates back to the National Strategy to Address Domestic Abuse in Scotland (2000) and continues to the present for example, establishing a short-life working group to assist with the development of Multi-Agency Partnership Guidance and Voice Against Violence to enable meaningful participation of children and young people affected by domestic abuse in the implementation of the National Domestic Abuse Delivery Plan for Children and Young People.

3.142 Finally, this Chapter has shown that a considerable number of national training strategies and guidance documents have been developed and published to establish training consortia across Scotland and identify training and development activity required to support improvement in services to women and children who are experiencing domestic abuse/violence, and men who use violence. These strategies and guidance have been targeted at particular sectors (e.g. health, housing, police, voluntary sector, Local Authorities) and for particular groups and issues (e.g. children and young people, street prostitution and child trafficking).

3.143 Chapter Two highlighted that official statistics and research evidence still present a disturbing picture of the extent and gender-based nature of violence against women in Scotland (and elsewhere). With this in mind, the Scottish Government, working closely with its partners and stakeholders, continues to progress work to tackle violence against women in the context of the policies/strategies that have been outlined in this Chapter.
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APPENDIX: KEY LEGISLATION

Matrimonial Homes (Family Protection) Scotland Act 1981 allows both spouses the automatic right to live in the marital home even if they are not the legal owner or tenant of the property. Either spouse has the right to apply to the court for an exclusion order, which may be granted if the court considers it is necessary for the protection of the person who applied for it or any child of the family. An exclusion order means that the spouse against whom it is directed no longer has a right to occupy the family home - a warrant can be obtained for their ejection from the home and an interdict can be granted prohibiting them from entering the home or removing any property from it.

Children (Scotland) Act 1995 sets out a legislative framework for matters relating to children, focusing on the needs and rights of children. Under Section 22, Local Authorities have a duty to safeguard and promote the welfare of children in their area who are in need regardless of their immigration status. Children “in need” (as defined in Section 93.4) are those children in need of care and attention because they are unlikely to achieve or maintain, or to have the opportunity of achieving or maintaining, a reasonable standard of health or development unless services are provided or if the child’s health or development is likely to be significantly impaired, or further impaired, unless such services are provided; or if the child is disabled; or is affected adversely by the disability of any other person in their family. A Children’s Reporter is the person who decides whether to refer a child or young person to a Children’s Hearing.

Protection from Harassment Act 1997 imposes an obligation on persons not to: “pursue a course of conduct that amounts to harassment of another which is either intended to amount to harassment of that other or occurs in circumstances where it would appear to a reasonable person that it would amount to harassment of that other.”

“Harassment” includes causing a person alarm or distress. “Conduct” includes speech, and a “course of conduct” requires conduct on at least two occasions.

In an action raised under this Act, the court may award damages, grant interdict, or grant a non-harassment order. An interdict may have a power of arrest attached under the Protection from Abuse (Scotland) Act 2001 (see below). The statutory power of arrest is an automatic power of arrest which will enable the police to act immediately to stop any further harassment taking place. Breach of a non-harassment order is a criminal offence, punishable by up to 5 years’ imprisonment, or an unlimited fine, or both.

Housing (Scotland) Act 2001 puts a duty on Scottish Ministers, Local Authorities and social landlords to encourage equal opportunities and comply with equality legislation in providing housing and related services. This Act also provides that a Local Authority will not turn down a housing request from someone who does not live in that Local Authority area if that person has a job in that area or wants to move back there to look for a job, needs to move there to be near a relative or carer, for

96 The full legislation documents for all the legislation mentioned in this Appendix can be found at: www.opsi.gov.uk
medical reasons, because they are a victim of stalking or harassment or because they are at risk of domestic violence.

**Protection from Abuse (Scotland) Act 2001** sets out the meaning of abuse as:

“*abuse includes violence, harassment, threatening conduct, and any other conduct giving rise, or likely to give rise, to physical or mental injury, fear, alarm or distress; ‘conduct’ includes – (a) speech; and (b) presence in a specified place or area.*”

This Act allows the attachment of a power of arrest to any interdict obtained for the purpose of protection from abuse. This is available to women and men regardless of their relationship with the potential abuser and considerably widens the protection hitherto available under the Matrimonial Homes (Family Protection) Scotland Act 1981.

**Sexual Offences (Procedure and Evidence) (Scotland) Act 2002** has made changes to the law of evidence and criminal procedure to improve the protections available to victims of rape and other sexual offences. For example, protecting rape victims from being cross-examined by the accused and gives better protection against irrelevant questions about their private lives e.g. sexual history or character – the Act introduces a process requiring written application to be made, before the trial, for permission to lead such evidence. In deciding on the application, the court has to take into consideration appropriate protection of the complainer’s privacy and dignity.

**Criminal Justice (Scotland) Act 2003** substantially increased the penalties for taking and distributing indecent images of children and possession of these images to 10 years and 5 years respectively. It also improved the anonymity of children in Children’s Hearings. This prohibits the publication of material intended or likely to identify children involved in hearings and connected proceedings. The Children’s Reporter informs victims (and parents and relevant persons where victims are children) about key stages of the Children’s Hearing process that affects them.

This Act also introduced a specific statutory offence of trafficking a person for the purpose of sexual exploitation. The maximum penalty on conviction on indictment is 14 years imprisonment. An offence of “trafficking for exploitation”, which covers non-sexual exploitation, including trafficking for forced labour and the removal of organs, is contained in the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004.

**Homelessness (Scotland) Act 2003** further increased the safety net for homeless households, including the phased expansion of the priority need categories working to the abolition of priority need in 2012. This expansion included “persons at risk of domestic abuse” as a priority category, making this priority explicit.

**Vulnerable Witnesses (Scotland) Act 2004** aims to provide support and protection for child and adult vulnerable witnesses when they are giving their evidence. It gives statutory effect to the provision of special measures in the High Court and Sheriff Courts for such witnesses, with the objective of ensuring that they are able to give the best evidence they can in both criminal and civil proceedings. In criminal cases, most of the special measures are available equally to prosecution and defence witnesses, as well as an accused person.

This Act also strengthens protection of vulnerable witnesses by preventing an accused person from directly questioning a witness in certain types of cases and
restricts questioning in sexual offences cases in Children's Hearings court proceedings. The Act allows for the prosecution to use expert evidence in sexual offences cases for the purpose of explaining the behaviour of the complainer to rebut any inference adverse to the credibility and reliability of the witness.

Special measures include: use of screens in court; use of live TV link; the presence of a supporter; use of a prior statement as evidence in chief; and taking evidence by a commissioner.

**Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005** improves the protection given to children and young people from those who would wish to cause them sexual harm, or exploit them for sexual purposes. This Act aims to improve the protection given to adults and children alike from those convicted of sexual offences who still pose a risk of sexual harm. It introduced new offences relating to the abuse of children through prostitution and pomography which are intended to protect children under the age of 18. These cover a range of offences, including paying for the sexual services of a child, for which the maximum penalty ranges from seven years to 14 years imprisonment, depending on the age of the child; and causing, facilitating or controlling the commercial exploitation of a child in prostitution or pornography, for which the maximum penalty is 14 years imprisonment.

**Prohibition of Female Genital Mutilation (Scotland) Act 2005** restates and amends the law relating to female genital mutilation and to provide for extra-territorial effects; and for connected people. The Act makes it an offence for persons aiding and abetting female genital mutilation – this includes a person who is not a United Kingdom national or permanent resident. It also states that if an offence of female genital mutilation under this Act is committed outside the United Kingdom (Scotland) it may be treated as having been committed in Scotland and proceedings may be taken accordingly under this Act. A person convicted on indictment is liable to imprisonment for a term not exceeding 14 years or a fine or both or on summary conviction to imprisonment for a term not exceeding six months or a fine not exceeding the statutory minimum or both.

**Family Law (Scotland) Act 2006** explicitly, under Section 24, defines “abuse” or the risk of abuse (both to the child or to someone who cares for the child) that the courts must take into account when deciding whether to make an order under the Children (Scotland) Act 1995, relating to parental responsibilities and rights.

**Prostitution (Public Places) (Scotland) Act 2007** provides that it is an offence for a person to solicit or loiter in a “relevant place” for the purpose of obtaining the services of someone engaged in prostitution. “Relevant place” is defined as a “public place” as defined in the Civic Government (Scotland) Act 1982 as “any place (whether a thoroughfare or not) to which the public have unrestricted access and includes – a) the doorways or entrances of premises abutting on any such place; and b) any common passage, court, close, stair, garden or yard pertinent to any tenement or group of separately owned houses”. “Relevant place” is also expanded to include any other place to which the public are permitted access whether or not that requires payment therefore also included are sports venues, rail and bus stations, theme parks etc.
Sexual Offences (Scotland) Act 2009 reforms the current law on sexual offences and creates a range of new statutory offences which criminalise sexual conduct which takes place without consent. It defines consent as free agreement and makes clear that consent may be withdrawn at any time. The Act creates new wider statutory offences of rape and provides for statutory offences of sexual assault, sexual coercion, coercing a person to be present during sexual activity, communicating indecently, voyeurism, sexual exposure and administering a substance for a sexual purpose. The Act is expected to come into force in Autumn 2010.

Criminal Justice and Licensing Bill was introduced into the Scottish Parliament in March 2009. The Bill includes measures to: create new Witness anonymity orders; extend support for vulnerable witnesses to all criminal proceedings in Sheriff and High Courts, not just during trials; improve the courts’ flexibility to award compensation, thus helping victims of crime achieve greater satisfaction; and, make it easier for prosecutors to obtain criminal non-harassment orders against offenders so that victims are protected from further harassment and repeat offending. It will also provide police with specific powers to close premises associated with human trafficking for sexual exploitation.