

**Cross Party Working Group on Men's Violence Against Women & Children**

**Final Approved Minute of meeting of 28<sup>th</sup> May 2014**

**17.30 – 19.00, Committee Room 4, Scottish Parliament.**

**Present/Apologies:**

**Attending**

- Claudia Beamish MSP- **Joint Chair**
- Malcolm Chisholm MSP- **Joint Chair**
- Alison Johnstone MSP
- Johann Lamont MSP
- Ghizala Avan- Amina Muslim Women's Resource Centre
- Cath Logan- Big Lottery Fund Scotland
- Elaine Wishart- Corporate Governance, City of Edinburgh Council
- Nadine Jassat- EWRASAC
- Emma Ritch- Engender
- Alan Cowan- Grampian Regional Equality Council.
- Louise Farmer -Grampian Regional Equality Council.
- Eva Kestner - Parliamentary Assistant/Researcher for Rhoda Grant MSP & David Stewart MSP
- Mark Cooper- NSPCC Scotland
- Theresa Loughran- Safer Families Edinburgh
- Stephen Madill - Safer Families Edinburgh
- Louise Johnson -Scottish Women's Aid ( **Minutes**)
- Lily Greenan -Scottish Women's Aid
- Nina Murray Scottish Refugee Council
- Sharon Edwards – STUC Women's Committee
- Dr. Melanie McCarry-University of Central Lancashire
- Marsha Scott -West Lothian Council & Engender
- Callum Hendry- White Ribbon Scotland
- Davy Thompson -White Ribbon Scotland
- Laura Tomson- Zero Tolerance

**Representatives from the No More Page 3 Campaign**

- Tiffany Kane
- Ceris Aston
- Nicholas Davidson
- Brenna Aston
- Kirsten Dugan

**Apologies**

- Jan Macleod- Women's Support Project
- Rhoda Grant MSP
- Claudia Beamish MSP
- Graeme Richards- Circle
- Dr Lisa Reynolds- GG&C NHS
- Kathy Norrie- Open Secret Clackmannanshire

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| <ul style="list-style-type: none"> <li>• Sandie Barton- RCS</li> <li>• Girijamba Polubothu- Shakti Women’s Aid</li> <li>• Ann Hayne-NHS Lanarkshire, EVA Services</li> <li>• Rosalind Greig-University of Strathclyde</li> <li>• Keiran Watson -EAU/Woodcraft Dundee</li> <li>• Catriona Grant -Children and Families, City of Edinburgh Council</li> <li>• Lorna Gallacher- Pilton Community Health Project</li> <li>• Isy Hart</li> <li>• Dr Nancy Lombard- Glasgow Caledonian University</li> <li>• Gill Lawrence- East Neighbourhood Centre</li> <li>• Megan Bastick- WILPF</li> <li>• Jonathan Hancock</li> <li>• Annie Taylor – Children 1<sup>st</sup></li> <li>• Maureen Wylie-National Violence against Women Network Coordinator</li> <li>• Mhairi McGowan - ASSIST</li> </ul>   |                |
| <b>1. Minutes of the last meeting and matters arising</b>  | <b>Action:</b> |
| <p>Malcolm Chisholm, MSP, chairing, noted the apologies as given above and welcomed the representatives of the No More Page 3 Campaign to the meeting. The minutes of the previous meeting 12<sup>th</sup> March 2014 were read and approved by those present.</p>   |                |
| <b>Update on the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence ( the Istanbul Convention ) and facilitated discussion about future CPG action on the Convention- Emma Ritch and Marsha Scott</b>   |                |
| <ul style="list-style-type: none"> <li>• The Convention is open to all members of the Council of Europe.</li> <li>• It contains 81 Articles, covering the spectrum of violence against women, apart from commercial sexual exploitation. This was omitted from the Convention because it is hugely controversial and no overall consensus from Member States could be achieved on this.</li> <li>• Sets up legally binding standards on prevention, protection and prosecution, linking violence against women with inequality, that violence against women is a human rights issue and a consequence of women’s inequality. The Convention is clearly feminist in construction and, for the first time ever, defines gender.</li> <li>• Implementation of the Convention will be supported by a monitoring mechanism. Monitoring structure will be similar to that of UN Committees. States which have ratified will send reports to the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), an expert body composed of independent experts, elected by the Committee of the Parties. The Committee of the Parties is composed of official representatives of the Member States. GREVIO will set up, evaluation rounds, enquiries, etc</li> <li>• 10 signatures and ratifications, including 8 Council of Europe Member States, are needed from State Parties before it can come into force- 12 ratifications to date and the Convention will enter into force on 1 August 2014.</li> </ul> <p><a href="http://www.coe.int/t/dghl/standardsetting/convention-violence/default_en.asp">http://www.coe.int/t/dghl/standardsetting/convention-violence/default_en.asp</a></p> <p>The UK has signed but not ratified which is of concern to activists in Scotland and across the UK and it appears that the UK will not ratify until it is fully compliant with</p> |                |

the Convention, although it is open to Council of Europe Member States to ratify first and then commit to implement policies and responses in terms of the Convention.

Currently, the UK, and Scotland, meet the Convention requirements but could go further. Scotland could commit to and implement the Convention since it links with the SGov VAW Strategy.

A consortium of women's organisations met as part of the Act Against Rape Campaign to discuss whether committing to the Convention would be of benefit to Scotland and concluded that it would be since this would place efforts in Scotland to tackle VAW against an international framework, would support other CoE Member States in Europe in terms of their own plans on implementation and tackling VAW and would stop any "roll back" of VAW policy by future SGov administrations

A general discussion then followed on the following points:-

### **To what extent is Scotland/UK compliant?**

- Difficult to gauge because there are no structures in place to analyse what "compliance" looks like, unlike UK's position on CEDAW.. For instance, certain Member States' existing legislation doesn't contain laws addressing policies, responses, etc contravening the terms of the Convention, so they can introduce new legislation or amend the law, actions which can be monitored and measured. Scotland is mostly compliant but we aren't clear where the gaps are; e.g- in relation to prevention, does the Curriculum for Excellence cover Convention requirements on education? How do we assess this?
- There are no structural issues for Scotland- on paper, we match up with the Convention obligations
- Lack of guidance about accountability mechanisms, what does and does not meet compliance locally and nationally

### **Examples of other international instruments to which UK is not signed up?**

CEDAW, where it is clear that while the UK has ratified, it is not compliant as a general position and the UN Optional Protocol on Economic Rights, etc- would give individuals rights but the UK has not ratified.

### **How do we progress this ?**

- The UK Government are not keen to be held accountable by external international organisations and prevaricate by saying that compliance takes time.
- If the impetus doesn't come from a Government body, can be achieved through devising practice responses e.g VAW prevention work in schools through local authorities
- While local VAW Partnerships are looking at prevention, there is no national approach, and this is needed. An international human rights instrument is positive -if the SGov could demonstrate that Scotland meets the Convention, this would be constructive and the VAW Strategy should be "Istanbul-proofed".
- Invite SGov officials to discuss what could be done in Scotland on implementation. Initiate discussions with partner agencies to determine their

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| <p>obligations under the Convention and support them in complying- e.g COPFS on Prosecution; Police Scotland and Scottish Court Service on Protection</p> <ul style="list-style-type: none"> <li>• Important to link with other organisations in Europe because others in EU will lose impetus due to the EU elections and loss of MEP support</li> <li>• Could CPG members take a “piece” of the Convention, in terms of looking at our own work and what compliance would look like in this area, and what would be needed to secure this- the gaps? 3 areas- Prevention; Protection including specialised support and shelters; Prosecution</li> <li>• Prevention- Zero Tolerance, Working with Men? ;Prosecution- invite ASSIST; speak to COPFS- possibly Marsha and other organisations;Protection- SWA- already part of SWA’s workplan</li> <li>• To be discussed further</li> </ul> <p><b>AGREED</b></p> <ul style="list-style-type: none"> <li>• CPG will write to Scottish Ministers seeking views on ratification, etc and the steps that the SGov are taking to make Scotland compliant, particularly after the Referendum</li> <li>• Invite the SGov VAW Team to the CPG in August to discuss the VAW Strategy and fit with the Convention</li> </ul>  | <p><b>Emma Ritch</b></p> <p><b>Louise Johnson</b></p> |
| <p><b>4. Specific Offence of Domestic Abuse and “Clare’s Law” in Scotland- update from SWA - Lily Greenan</b></p>  |   |
| <p>Background to this update was that matter of a DA specific offence had been given prominence by announcement at the COPFS DA Conference on 8<sup>th</sup> May from the Solicitor General that it was time for a specific offence of DA to be looked at, moving away from an incident-based approach and looking at a course of conduct and behavior. At the same conference, Chief Constable Stephen House backed this and stated that Police Scotland will not stop referring DA cases to the COPFS, despite a backlog in these cases being brought to court and prosecuted. The same day, during First Minister’s Question Time at the Scottish Parliament, First Minister announced a “pilot” of “Clare’s Law” in Scotland following the roll-out of this scheme in England and Wales</p> <p>“Clare’s Law”, more formally known as Domestic Violence Disclosure Scheme, received considerable media attention but the issue of the specific offence, although very significant, was missed by the press.</p> <p><b>Specific offence</b></p> <p>In relation to a specific offence, this relates to how the justice system is run. DA prosecution is constricted by what can be prosecuted (e.g physical abuse, rape, threats, etc), none of which take account of “patterns of controlling and domineering behavior” as was specifically referred to during the prosecution of Bill Walker MSP, in that despite the long and serious catalogue of abuse, not all of the behavior was a crime and could be prosecuted. Also the issue as to why DA offences were not going before juries or the High Court- the long-term impact of domestic abuse and control was not being taken into account</p> <p>SWA have been considering this issue and having their own discussions internally but it would be helpful to have the discussion brought before the CPG for members’ thoughts on a specific DA offence- would it be helpful, or otherwise, to women;</p> |   |

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| <p>would it help with prevention work in dealing with public awareness of DA generally and how control works in relation to DA?</p> <ul style="list-style-type: none"> <li>• Suggestion that good practice would dictate having a specific offence of VAW, not just DA- might be worth discussing how we can develop a specific offence but as part of a suite of offences against VAW.</li> <li>• Significant shift in men’s awareness that they were not being convicted for or solely for “physical abuse” would shift the culture of behavior.</li> <li>• Non-harassment Orders ,either under civil or criminal law and stalking offence already looks at course of conduct and patterns of behavior.- no need to start from scratch. Also Domestic Abuse (Scotland) Act 2011 set a precedent - allowed for NHO to be granted following a single incident where DA was involved</li> <li>• Welsh Assembly Member was promoting a Private Member’s Bill at Westminster looking at introducing a “coercive control”-type of offence but this would not cover Scotland. The women’s sector in England and Wales has been lobbying on this.</li> <li>• France introduced an offence of psychological abuse last year; Spain has something similar; USA- no legislation or evaluation of introducing a “control offence”</li> <li>• 2 research papers by Deborah Tuerkheimer, from 2004 and 2013 on a specific offence</li> <li>• <a href="http://scholarlycommons.law.northwestern.edu/cgi/viewcontent.cgi?article=7169&amp;context=jclc">http://scholarlycommons.law.northwestern.edu/cgi/viewcontent.cgi?article=7169&amp;context=jclc</a></li> <li>• <a href="http://paladinservice.co.uk/wp-content/uploads/2013/12/Tuerkheimer-paper-on-DV-criminalisation-gap-2013.pdf">http://paladinservice.co.uk/wp-content/uploads/2013/12/Tuerkheimer-paper-on-DV-criminalisation-gap-2013.pdf</a></li> <li>• 2005 research from Htun and Weldon, looked at 70 countries over 40 years- specialist legislation on domestic abuse should be in place to ensure effective remedies <a href="http://polisci.unm.edu/common/documents/htun_apsa-article.pdf">http://polisci.unm.edu/common/documents/htun_apsa-article.pdf</a></li> </ul> <p><b>“Clare’s Law”</b><br/>Police favour this approach for “high risk” women- less than 10% of those women experiencing DA. Discussions with Police Scotland on the pilots has not yet happened so can’t feedback further at this stage</p> |                               |
| <p><b>5. Updates</b></p>  | <p><b>Action:</b></p>         |
| <p><b>16 Days Events</b></p> <ul style="list-style-type: none"> <li>• Zero Tolerance – Scottish Writing to End VAW Awards- Parliamentary event 10<sup>th</sup> December</li> <li>• SWA - 2015 is the 20<sup>th</sup> Anniversary of the Beijing Declaration and SWA are looking at doing an event during the 16 Days</li> <li>• West Lothian- stalking, within and outwith DA; new VAW training plan; new work consulting with young people on messages against commercial sexual exploitation and a product from this</li> </ul> <p><b>CPG event during 16 Days</b></p> <ul style="list-style-type: none"> <li>• The CPG has traditionally collected information on members’ work and publicised. Also the Parliament usually timetables a debate on VAW as part of the 16 Days.</li> <li>• Could we hold an event at the Parliament on 10<sup>th</sup> December where we issue a Statement of Intent/Declaration and ask MSPs to sign</li> </ul>  | <p><b>ALL CPG members</b></p> |

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| <ul style="list-style-type: none"> <li>• Daytime/early evening event and/or a stall/room in Parliament all day- possibly preferable to have a room.</li> <li>• Hold a signing on the same day as the Parliamentary Debate? Lunchtime event where First Minister and CPG orgs sign Declaration/Statement of Intent</li> </ul> <p><b>ACTION</b></p> <ul style="list-style-type: none"> <li>➤ <b>discuss planning for a CPG event or a meeting in November specifically as part of 16 Days ( start on 25<sup>th</sup> Nov) at August meeting- look at having a presence in Parliament all week</b></li> <li>• <b>Johann Lamont undertook to flag up the VAW Debate on 16 Days- bring CPG back after Referendum to discuss</b></li> </ul> <p><b>Rhoda Grant</b> -trying to set up a network to bring the issue of prostitution back on the agenda- if any CPG members are interested, contact Rhoda or her researcher, Eva Kessler.</p> <p><b>Rape Crisis Scotland</b>- working on a new Centre which will cover Highland and will have its initial base in Inverness. The new Manager will be in post by the end of June and will start developing a service. In the meantime there is an interim partnership with RCS, VSS and Women’s Aid services in Highland so that female and male survivors can access support. Wider publicity will follow when the new service launches later this year. Anyone who would like to find out more please email Sandie Barton.</p> <p><b>West Lothian</b> - working on Single Outcome Agreement- VAW training strategy and Action Plan. Local Authorities generally not robust on these- if anyone is working on these with their Local Authority, please share with Marsha Scott.</p> <p><b>Grampian Regional Equality Council</b>- relaunch of Aberdeen VAW Partnership to replace the DA Forum. But no Co-Ordinator ; Aberdeen Council are not providing funding as this is not seen by them as a priority issue. GREC meeting Moray Council to look at Equality Outcomes in relation to DA. Working with stakeholders to support the local authorities in processing evidence on Gender Equality Duty.</p> | <p><b>ALL CPG members</b></p> |
| <p><b>7. AOCB</b></p>   | <p><b>Action:</b></p>         |
| <p>The meeting approved the membership request of Mark Cooper from NSPCC Scotland</p> <p><b>No More Page Three Campaign</b><br/>The campaign representatives gave a short input on their work</p> <ul style="list-style-type: none"> <li>• Media is primary source of info- in 2012, after the Olympics, despite the numbers of women athletes winning medals, media pictures still focused on women in underwear. Started a petition- 193,000 signatures</li> <li>• NMP3 set up in 2014- damaging media representations of men and women should be addressed. Are working in partnership with YWCA- giving lessons in secondary schools to young people on media representation of the genders</li> <li>• Petitioning Scottish Parliament for education on sex and relationships to be compulsory in schools</li> <li>• Asked if CPG members could share their petition and send it around networks, give a statement of support</li> </ul>  |                               |

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| <p>Discussion on the issue highlighted that this is a VAW issue- male entitlement about how women are represented and regarded causes VAW, rape and sexual assault and DA. The CEDAW Committee's last review of the UK's performance commented and made recommendations on media and gender representation- the UK will have to respond to the UN recommendations in this area. Zero Tolerance have a publication "Young People's Attitudes to Pornography" – if CPG members want copies, contact ZT.</p> |                       |
| <p><b>7. Date of Next Meeting</b></p>   | <p><b>Action:</b></p> |
| <p>13<sup>th</sup> August, 17.30 -19.00, Committee Room 5, Scottish Parliament</p>  |                       |