

Minute of the meeting of the Cross Party Group on Men's Violence Against Women and Children

Tuesday 31 January 2017, 12.30- 2.00pm, Scottish Parliament, Committee Room 3

1)Present

- Claire Baker MSP- Chair for first part of meeting till 1.30pm
- Claudia Beamish MSP- Chair for second part of meeting from 1.30pm
- Rhoda Grant MSP
- Louise Johnson SWA (Minutes)
- Marsha Scott SWA
- Brenna Jessie SWA
- Davy Thompson- White Ribbon Scotland
- Linda Thompson- WSP
- Emma Ritch- Engender
- Sarah Masson- Scottish Parliament

2)Apologies

- Ann Hayne- NHS Lanarkshire, EVA Project
- Christina McKelvie MSP
- Vikki Kerr- Caledonian Edinburgh
- George Eckton
- Johann Lamont MSP
- Mhairi McGowan- ASSIST
- Isobel Hart
- Stephen Madill- CEC Working with Men
- Melanie McCarry- University of Strathclyde
- Rachel Adamson- Zero Tolerance
- Dawn Fyfe- SAY Women

3) Approval of Minutes

The minutes of CPG meeting of 31 January 2017 were agreed by the meeting subject to the following amendments

- Page 2, Work Priorities Heading- add "VAW" to read "*Intersections between economic discrimination, VAW and the impact on women and children.*"
- Page 2- Issues for children- correction to remove Scottish Football Association- sentence should read "*Marsha Scott inquired whether there was a connection between work of the CPGMVAWC and the Scottish Child Abuse Inquiry into the sexual abuse of children in care in Scotland*"
- Moved by Marsha Scott and seconded by Davy Thompson

4) Agreement of new CPG Members

As per e-mail of 30 1 17 circulated to CPG members, the following requests for membership were unanimously approved at the meeting

- Chris Gray from the Rape and Sexual Abuse Centre Perth & Kinross
- George Ekton

Both were members of the previous CPGMVAWC and have confirmed their support of the CPG's remit and "purpose statement."

5) Work Priorities on Agenda

Neither the Cabinet Secretary for Justice or Scottish Government officials invited could attend this CPG due to other prior engagements. We were awaiting confirmation as to whether the Cabinet Secretary was able to attend the next meeting of the CPG to discuss his portfolio, including the proposed DA offence and we were holding times on 28th February and 1 March to facilitate this. Trevor Owen has been invited to the next meeting to talk about “Equally Safe” and has confirmed attendance.

In relation to items to be discussed under AOCB, Claudia drew the meeting’s attention to the debate on FGM and HBV scheduled for the next day in the Scottish Parliament. Items added to the Agenda

- Denise Claire/ “Goodwillie” case and civil justice avenues in relation to rape and sexual assault
- update on the recently- published Scottish Government research on forced marriage in Scotland
- discussion around the proposed separate CPG on Commercial Sexual Exploitation

Equally Safe

Emma Ritch, chair of the Equally Safe Primary Prevention Working Group, advised that Scotland’s framework rests on realising women’s equality in Scotland, that this would, in itself end men’s violence against women in Scotland.

The group agreed that linking and agreeing work of CPG to address the nexus of women’s inequality and VAWG should be a focus of CPG work.

In terms of having a strategic conversation to press on the issue, discussions with Gary Gillespie, the Chief Economic Advisor to the Scottish Government, who sits on the “Equally Safe” Strategic Board, along with relevant SGov Ministers and officials in economic development, “Fair Work”, “Skills”, would make sense.

ACTION- for the May meeting, Marsha and Emma to discuss and consider options for the CPG

Scottish Government’s published research on forced marriage

Louise Johnson gave an update on the just-published report, “*Understanding forced marriage in Scotland*” <http://www.gov.scot/Publications/2017/01/6540>

The research highlighted an inconsistent response from local authorities in the exercise of their duties as Relevant Third Parties under the legislation and that set out in the accompanying Statutory Guidance, even where other obligations, such as child protection, required them to act. Responses to supporting adults who did not prompt intervention under the Adult Protection framework was highlighted as needing robust revision and it was also not clear whether the requisite procedural pathways for responding to forced marriage (“FM”) generally had been put in place. While the recommendations stated that the Statutory Guidance needed strengthening so that local authorities would meet their obligations under the Act, the meeting agreed that this should include the incorporation of a scrutiny/monitoring process to ensure compliance.

The strength and central role of the specialist women's sector, particularly organisations working around domestic abuse, was noted and further support for their continued development was recommended. Development of further training, on a mandatory basis for professionals, was recommended to improve practice, as "Race anxiety" had been raised as a barrier to responses, with practitioners framing FM as a "cultural", as opposed to a human rights issue and two third sector organisations had provided mediation, despite the clear guidance in the SGOV FM Multi-Agency Guidance on this being wholly inappropriate.

The researchers had experienced considerable difficulty in finding survivors who would engage with them, reflecting the complex nature of the matter. Increased public awareness of the available protection and support was also recommended. While professionals interviewed thought that criminalisation sent a strong message to the public around the unacceptability of FM, a number were concerned that this would force reporting "underground." Most survivors welcomed legislative protection but did not support criminalisation.

6) AOCB

The civil judgement in the "Goodwillie" case was discussed. Concern was raised that civil remedies shouldn't replace effective action in criminal courts, but until women find that the criminal law is providing robust response to VAW, civil actions will be attractive. These civil cases might be viewed as a mechanism for demonstrating how "unfit for purpose" the criminal system is, as opposed to turning the justice system response towards making rape and sexual assault a "civil issue."

Discussion touched on problem that, while in the criminal courts, victims of offences involving domestic abuse, stalking, human trafficking and rape and sexual assault have an automatic right to use standard special measures when giving evidence in court, under the Victims and Witnesses (Scotland) Act 2014, this automatic protection is not likewise extended to the same complainers when they are facing the same perpetrators of these crimes in civil cases, for instance, child contact proceedings.

Proposed Cross Party Group on Commercial Sexual Exploitation ("CPG on CSE")

The Group reprised the debate in the previous CPGMVAWC meeting in January 2017 around CSE being seen as part of men's violence against women and children and there was concern about the possible consequences of "splitting" CSE from the CPMVAWC agenda since CPGMVAWC members consider prostitution and other forms of CSE as VAWG (as does Equally Safe).

Rhoda Grant is the prospective Convenor of the proposed new CPG on CSE, and she explained that the existing CSE Stakeholder group had wanted the separate CPG on CSE to ensure a safe space for people to speak and discuss issues. Stakeholders wanted a CPG on CSE not as a rival or alternative to the CPMVAWC but to facilitate these discussions safely for all participants.

Rhoda advised that the first meeting of the proposed CPG on CSE was scheduled for 21st February. The issue that they wish to tackle is that currently women are criminalised but the "purchasers" are not. The CPG on CSE wishes to gather support from the three political parties sympathetic to criminalising purchasers while avoiding

any inflammatory discussions on the issue, so keeping the “safe space” is simpler with a separate CPG.

The group agreed that the two CPGs should stay in close contact and have updates from one to the other as standing agenda items and that it was in the interests of all concerned to maintain good communication between the groups.

Future Meeting of the CPG

- Once the February/March date is fixed, the next series of meetings should be held in May, September and December, the latter possibly during the 16 Days.
- The Lord Advocate/Solicitor General to be invited to September or December meeting once dates set.

ACTION- Louise to circulate MSPs with Doodle Poll with potential May, September, and December dates and invite Lord Advocate/Solicitor General to the September or December meeting once dates set

Date of next meeting

Either 28th February/1 March- Louise to confirm.