JUSTICE COMMITTEE

PRE-BUDGET SCRUTINY OF THE SCOTTISH GOVERNMENT’S DRAFT BUDGET 2019-20

SUBMISSION FROM ZERO TOLERANCE

At Zero Tolerance we work to build a future without violence against women and girls (VAWG), one where women and girls are safe and equal. We take a practical, evidence-based approach to changing the social attitudes, values and structures which permit and normalise VAWG. This is an ambitious, long-term goal that we have been committed to for over 25 years. Our campaigning work in Scotland aims to end all forms of VAWG through raising public and political awareness of its causes; and promoting action on prevention. Our policy and campaign work focus on mainstreaming gender-equality, specifically in the media, and with children and young people. We also work directly with key sectors, employers, and professionals to develop their skills, capacity, and understanding regarding the prevention of VAWG.

Zero Tolerance approached this call for views using a gender lens to consider how previous budgets and future budgets can support the eradication of VAWG.

1. What is your view on the current trends in funding in the justice portfolio and the Scottish Government’s rationale for these?

Preventing violence from happening in the first place is a much more efficient use of resources than dealing with the many serious, long-term consequences of violence after it has occurred. Eradicating VAWG requires a consistent, long-term approach, so it is vital that primary prevention efforts work alongside services to support those who have suffered violence. There are insufficient resources dedicated to preventing VAWG. Too few public services have consistent and joined up approaches to both prevention, response and justice. Scottish Government estimates, based on a study in England, found that domestic abuse costs the Scottish public purse £2.3 billion while VAWG costs Scotland £4 billion\(^1\). Investing in comprehensive prevention strategies across all public services would mitigate these costs and immeasurably improve the lives of women and children in Scotland. We would like to see a portion of the 2019/20 justice portfolio budget dedicated to tackling the social norms and structural injustices that permit and normalise VAWG.

We warmly welcomed the focus contained in the 2018-19 justice portfolio budget on responding to VAWG. The creation of a specific offence of domestic abuse through the Domestic Abuse (Scotland) Act was a ground-breaking piece of legislation that acknowledges the controlling reality of domestic abuse and allows for sentencing that reflects the severity of the crime of domestic abuse. We recommend continued funding to ensure that police and courts have the capacity to fairly and sensitively enact this piece of legislation.

We laud the ambition contained in the 2018/19 justice portfolio to work with justice agencies to improve the specific experience of victims of sexual offending through the justice system. We were also pleased to see the continued commitment to ensuring that the justice system

\(^1\) [http://www.gov.scot/Publications/2009/06/02153519/5](http://www.gov.scot/Publications/2009/06/02153519/5)
is equipped to respond to the needs of victims and witnesses, particularly child and vulnerable witnesses. We wish to re-emphasise the strong need for continued work in this area throughout 2019/20. Reported sexual crimes have increased by 65% since 2007-08 and 5% in the past year, to 10,822 sexual offences in total in 2016-17. Reported rape & attempted rape increased by 66% between 2010-11 and 2016-17. This includes a 4% increase in the past year. In 2016-17, the conviction rate for rape and attempted rape fell to the lowest level since 2008/09. In a year where there were 1,878 rapes and attempted rapes reported to the police, there were only 98 convictions. In 2016-17, there were 58,810 domestic abuse incidents reported to the police – an increase of 1% from the previous year. 30,630 were dealt with by prosecutors, there were 10,830 convictions, a 12% decrease from 2015-16, the lowest level since 2012/2013.

The discrepancy between the rise in reported sexual crime alongside falling conviction rates is, in part, due to known inadequacies within the criminal justice system. Central components of the Scottish Courts and Tribunal Service evidence and procedure review from 2015 have not been enacted. It recommended urgent consideration for “development of a new, structured scheme that treats child and vulnerable witnesses in an entirely different way”, including pre-recording of survivors’ evidence and cross-examination. Medical and other sensitive records can be accessed during criminal proceedings, undermining the right to privacy for rape complainants. In 2016, the Scottish Government committed to an improved process for notifying complainers of their rights to refuse access to their records and to access Legal Aid.

Figures show there were 213 referrals of human trafficking to Police Scotland in 2017. According to a global 2016 United Nations Office on Drugs and Crime report, 71% of all victims of human trafficking are women and girls however the 2017 figures for Scotland show that 64% of the victims referred to receive assistance were men. Given consistent global trends, it is unlikely that women and children are not being trafficked to and within Scotland, it is much more likely that the link between commercial sexual exploitation and human trafficking is not being given enough weight within the current identification, referral and justice frameworks. The counter-human trafficking action taken by Police Scotland in May 2017 is an example of this. 500 officers visited 80 premises and locations in all 13 geographical divisions of Scotland including fisheries, car washes and nail bars, they did not however carry out any checks on sexual entertainment venues, brothels, saunas (brothels operating in Edinburgh) or engage with women who sell sex. This lack of acknowledgment of the gendered nature of human trafficking and the links between human trafficking and commercial sexual exploitation is concerning. We would like to see a portion of the justice portfolio budget dedicated to further tackling the trafficking of women and children.

Following Lord Bracadale’s report on the Hate Crime review, further resources should be committed to researching whether the recommendation of adding a gender aggravator is

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the best method of responding to sexual harassment and abuse. Engender, Scottish Women’s Aid and Rape Crisis Scotland have put together a comprehensive analysis\(^6\) of Lord Bracadale’s report and have outlined an alternative recommendation that is less likely to result in unintended harm. We strongly recommend that the 2019/20 justice portfolio budget includes resources for further exploration of this feedback and analysis as we move forward with updating Hate Crime legislation.

2. What is your view, in particular, on the Scottish Government’s proposals for spending on the Crown Office and Procurator Fiscal Service? This includes recent announcement of an additional in-year budget of £3.6million to fund the recruitment up to 140 permanent staff.

We welcome the decision to give the Crown Office and Procurator Fiscal Service (COPFS) an additional budget of £3.6million to fund the recruitment of additional staff. We are particularly pleased with the emphasis places on supporting the National Sexual Crimes Unit and Victim Information and Advice services.

3. What is your view on the level of current funding and planned spend on the rollout of electronic monitoring to ensure that the courts, prisons and Police Scotland have sufficient resources to provide for an enhanced service in all parts of Scotland? Additionally, is sufficient funding provided to third-sector and voluntary groups who provide services in relation to people who have such a device fitted as well as helping people with prior convictions or who have been accused of a crime?

As this is not our area of expertise we have chosen not to respond to this portion of the call for views.

4. What funding issues arise more generally from the work of third-sector and voluntary groups who operate in the civil and criminal justice systems, especially in terms of preventative spend?

We were pleased to note commitment to prevention displayed by the expansion of the Caledonian Programme as outlined in the 2018/19 justice portfolio. While it is key to work with existing perpetrators, it is also necessary to acknowledge and mitigate the actions of potential perpetrators through primary prevention work. We would like to see work with perpetrators complimented by resources for primary prevention work, alongside well-resourced, robust evaluation.

Certain initiatives focussed on reducing violence do not use a gendered analysis in relation to VAWG. This is problematic as acknowledging the gendered nature of VAWG is key to tackling the root cause of this violence. If VAWG is to be included within overarching violence reduction work, it must be in line with Equally Safe and accompanied with a robust understanding of how gender inequality and gender stereotypes can contribute to, normalise and excuse VAWG.