

EQUAL OPPORTUNITIES COMMITTEE

Tuesday 14 March 2000
(Morning)

© Parliamentary copyright. Scottish Parliamentary Corporate Body 2000.

Applications for reproduction should be made in writing to the Copyright Unit,
Her Majesty's Stationery Office, St Clements House, 2-16 Colegate, Norwich NR3 1BQ
Fax 01603 723000, which is administering the copyright on behalf of the Scottish Parliamentary Corporate
Body.

Produced and published in Scotland on behalf of the Scottish Parliamentary Corporate Body by The
Stationery Office Ltd.

Her Majesty's Stationery Office is independent of and separate from the company now
trading as The Stationery Office Ltd, which is responsible for printing and publishing
Scottish Parliamentary Corporate Body publications.

CONTENTS

Tuesday 14 March 2000

	Col.
VIOLENCE AGAINST WOMEN	473
2001 CENSUS	509
PROGRESS REPORTS	511
CORRESPONDENCE	518

EQUAL OPPORTUNITIES COMMITTEE

7th Meeting 2000, Session 1

CONVENER

*Kate MacLean (Dundee West) (Lab)

DEPUTY CONVENER

*Shona Robison (North-East Scotland) (SNP)

COMMITTEE MEMBERS

*Malcolm Chisholm (Edinburgh North and Leith) (Lab)
*Johann Lamont (Glasgow Pollok) (Lab)
Marilyn Livingstone (Kirkcaldy) (Lab)
*Mr Jamie McGrigor (Highlands and Islands) (Con)
*Irene McGugan (North-East Scotland) (SNP)
*Mr Michael McMahon (Hamilton North and Bellshill) (Lab)
Tricia Marwick (Mid Scotland and Fife) (SNP)
*Mr John Munro (Ross, Skye and Inverness West) (LD)
*Nora Radcliffe (Gordon) (LD)
*Tommy Sheridan (Glasgow) (SSP)
*Elaine Smith (Coatbridge and Chryston) (Lab)
*attended

THE FOLLOWING MEMBER ALSO ATTENDED:

Maureen Macmillan (Highlands and Islands) (Lab)

WITNESSES

Sandy Brindley (Rape Crisis Network)
Evelyn Gillan (Zero Tolerance Trust)
Cara Gillespie (Rape Crisis Network)
Rosina McCrae (SAY Women)
Ms Y (SAY Women)

CLERK TEAM LEADER

Martin Verity

SENIOR ASSISTANT CLERK

Mary Dinsdale

ASSISTANT CLERK

Alison Taylor

LOCATION

Committee Room 1

Scottish Parliament

Equal Opportunities Committee

Tuesday 14 March 2000

(Morning)

[THE CONVENER *opened the meeting at 10:06*]

The Convener (Kate MacLean): We will start. Nora Radcliffe, Jamie McGrigor and Irene McGugan will be late and Tricia Marwick has tendered her apologies. I welcome Maureen Macmillan to the committee. She has a particular interest in violence against women and is the reporter on domestic violence to the Justice and Home Affairs Committee.

First, I move that item 8 on the agenda be taken in private. Is that agreed?

Members *indicated agreement.*

Violence against Women

The Convener: I invite the first set of witnesses, who are from the Scottish rape crisis network, to take their seats. We will hear evidence from Cara Gillespie and Sandy Brindley, whose paper was sent out to members earlier in the week.

I welcome the witnesses to the committee. My name is Kate MacLean and I am the committee's convener. I understand that you, Cara, will lead off. Sandy, you should feel free to come in at any point. Afterwards, I am sure that members of the committee will want to ask questions.

Cara Gillespie (Scottish Rape Crisis Network): Good morning. Thank you for inviting us to give evidence. My name is Cara Gillespie. I am a worker at Edinburgh rape crisis centre. On my right is my colleague, Sandy Brindley, who works for Strathclyde rape crisis centre.

I will begin by highlighting some of the key issues in relation to the nature and prevalence of violence against women in Scotland. I will follow that with some information about the rape crisis movement. Sandy Brindley will then give her input on issues relating to the criminal justice system. I ask members to refer to our written evidence for a more detailed outline of what we will say today.

As we speak, the first national rape crisis leaflet paid for by the Scottish Executive is being launched by Jackie Baillie in Stirling. That is an historic occasion. To my knowledge, it is the first time that rape crisis centres in Scotland have received any kind of dedicated support from central Government. It is important to note that,

although the leaflet is being paid for, our services are not. There is no centrally funded provision to ensure that support is available to the women who will read those leaflets and who take the difficult decision to make a call for help.

Last year, Scottish rape crisis centres supported more than 3,000 women and girls. We know that that is the tip of the iceberg. In 1998, a pilot study by Strathclyde rape crisis centre showed that only one in 10 callers were able to get through. If that is the case across the country, it suggests that tens of thousands more women out there are unable to access support because services are overloaded.

Despite more than 20 years of campaigning and awareness raising by the women's movement, rape and abuse remain taboo subjects, shrouded by secrecy and silence in our society. Women who use our services cite experiences of a range of forms of sexual violence, including child sexual violence, rape and sexual assault. Sexual violence is embedded in our culture. If people doubt that, they should try to name one other form of crime or human rights violation for which the victim is regularly held responsible, not only by the perpetrator, but by society.

Women and girls who speak out about their experiences are still likely to be blamed for what has happened, even if they were children at the time of the abuse. Women are still likely not to be believed; the fear of being branded a liar prevents many women from coming forward for help.

In recent years, great work has been done to combat those problems but, like funding for rape crisis centres, such work has been patchy and inconsistent. As a nation, we still seem to be unable to make up our minds whether we want to deal with the issue. Given that context, it is unsurprising that women who survive abuse in any of its forms seem to be expected to deal with it alone.

That is reflected in funding for our services. We are dependent on voluntary donations to provide basic necessities such as travel costs and child care for women who want to come to us for support. Our waiting lists are often lengthy or closed altogether, due to the volume of women who want our help. There is no provision whatever in some local authority areas. To take one example, Edinburgh rape crisis centre struggles to offer a service to women from East Lothian, Midlothian, West Lothian, the Borders and Fife, as well as from Edinburgh city.

We receive regular inquiries from workers in other agencies, including social workers and health professionals, who want to refer women to us. They all cite abuse as being at the root of a range of other problems, such as mental ill health, alcoholism, drug abuse, homelessness and so on.

There is widespread provision for individuals who experience those other problems, yet scarce specialist resources to tackle the issues at their root.

Recent attempts by the Government to take a lead role in tackling violence are welcome. It is unhelpful, however, to single out one form of sexual violence and to prioritise it over another, as has happened with domestic abuse. Evelyn Gillan from the Zero Tolerance Trust will talk about the links between forms of sexual violence in more detail. At least 25 per cent of the women who come to us have experienced more than one form of violence in their lives.

We urge the committee to move for coherent, practical action on violence against women and ask for that to be reflected in adequate, on-the-ground provision for support services.

Thank you for listening. I will hand over to Sandy Brindley, who will talk about criminal justice.

The Convener: Thank you.

Sandy Brindley (Rape Crisis Network): My name is Sandy Brindley. I have been a worker with Strathclyde rape crisis centre for around six years. During that time, I have spoken to a significant number of women who have felt incredibly let down by the legal system, which they believed was supposed to protect them after their experience of rape, abuse or sexual assault.

The number of women who report rape and sexual assault is very low. In the past year, of the women who contacted our organisation, 78 per cent did not report the incident to the police. Recent studies suggest that only 10 per cent of incidents of rape or sexual assault are reported by women. Moreover, only about 9 per cent of reported rapes lead to a conviction, according to the most recent figures.

In the past month, I have spoken to two women who are going through the criminal justice system, both of whom said that they would advise a woman who had just been raped not to report the incident. I also spoke to a female officer in a female and child unit—a specialist unit for the investigation of sexual offences—who said that if she were raped she would not report the incident.

Women who go through the criminal justice system experience the process as a violation. Women who have been raped spend around six hours in a police station, often immediately after the rape, which is a traumatic experience. It is likely that women will be examined by a male police casualty surgeon—they do not have the guaranteed option to choose to be examined by a female. If the procurator fiscal decides to proceed with the case, which does not happen in the majority of cases, women can expect to wait for up

to a year for the case to be heard, with the court case hanging over them. During that time, in most cases, the accused is released on bail.

During the court case—if things get that far—women face aggressive cross-examination by the defence; that is fairly commonplace in rape and sexual assault trials. Women say that they feel very much as though they are on trial and that they go through with the process only on the slim chance of seeing justice done.

10:15

In recent years, significant improvements have been made in police responses to complaints of sexual assault or rape. However, in our experience, work still needs to be done to ensure a consistent, positive response, which should be based on good practice—for example, there is still a lack of female police surgeons.

Women also report that they have been threatened with the charge of wasting police time—indeed, some have been charged—if they decide that they cannot go through with the case, despite the fact that that may be due to intimidation by the defendant's friends or family.

The myth that women make false complaints appears to persist, which can lead some officers to approach interviews with women with a view to proving, or disproving, that they are lying. For example, it may be put to a woman who presents to the police with severe injuries that she simply regrets having had rough sex with her boyfriend. Such comments to women who have just been raped are still being made in 2000.

Concrete steps could be taken that would lead to a significant improvement of women's experience of police procedures. Some excellent recommendations were made in the recent Convention of Scottish Local Authorities document on violence against women, but we understand that few steps have been taken to implement those recommendations.

A further example that we want to raise on the police response to women who have been raped or sexually abused is that of women who have been raped by policemen and how the judicial system handles such cases. We are supporting two women in Scotland who have been raped by policemen and who have found it extremely difficult to access any form of justice. In our opinion, part of that difficulty is that, when a woman complains of rape by a policeman, the case is investigated by the force that employs that policeman. We would like a review of that procedure.

On the legal system, our view is that the common-law definition of rape does not reflect

most women's experiences. The common law defines rape as

"carnal knowledge of a woman by a male obtained by overcoming her will"

by penetration of a woman's vagina by a man's penis. That definition excludes anal rape, oral rape and penetration by objects. In the case of women who are raped while sleeping, the law judges them unable actively to withhold their consent, which means that charges of rape cannot be brought.

The time leading up to the trial can be lengthy, with many delays. The amount of information that is given to women about the progress of their case is not consistent throughout Scotland. For example, in some areas of Scotland, a woman might not even be informed if the case is not proceeding. She might expect to go to court within a month, in order to meet the time bar of a year, as she has not been told that the procurator fiscal has decided not to proceed with the case. Women can experience powerlessness in the criminal justice process.

Women have described the trial in a rape or sexual assault case as like being raped again. In several recent cases that have received publicity, women have been cross-examined by the defendant—that is, by the man who raped them. We believe that that should not happen and that it is symbolic of the violation that women experience during such trials.

Sexual history and sexual character evidence is often introduced by defence lawyers in an attempt to discredit women's credibility and testimony. The Law Reform (Miscellaneous Provisions) (Scotland) Act 1985 introduced in 1986 the aim of limiting the use of such evidence. However, women still contact rape crisis centres to relate ordeals where defence lawyers introduce such evidence to discredit them. In 1992, the Scottish Office commissioned research that found that evidence on sexual history or sexual character was introduced in around half the jury trials of sexual offence cases. In a significant minority of cases, that evidence was introduced without reference to the legislation—that is, the legislation was breached.

The Scottish Office research provided useful evidence of what happens in rape trials. Talking about the need for education about what women have to go through, the research stated:

"Perhaps it should be generally known that the defence routinely try to besmirch complainers—"

that is, women who make complaints of rape—

"to call them liars, to bring in irrelevant evidence, to seize on any aspect of their sexuality that can be found, and to construct motives for false allegations".

Research and anecdotal evidence received from

women who contact rape crisis centres gives a clear picture of the shortcomings both of the legislation on sexual history evidence and of the implementation—or lack of implementation—of that legislation in our courts. Clear recommendations have been made, which, as far as we understand, have gone nowhere.

We believe that there is a clear and urgent need for review of the criminal justice system as it relates to sexual offences. We have made recommendations on the steps that we would like to be considered as part of any such review. Those recommendations are in our written evidence to the Equal Opportunities Committee.

We believe that the Scottish Executive and Scottish society must take, as a starting point, the fact that 91 per cent of women who are raped or sexually assaulted and have the courage to report the incident to the police receive no justice and no protection from our legal system.

The Convener: Thank you, Sandy. I open out the discussion to members for questions or comments.

Maureen Macmillan (Highlands and Islands (Lab): We had a big rape case in Inverness recently, which was well handled because we have a woman procurator fiscal who is extremely supportive of rape victims. However, I have spoken to her about resources and the low rate of reporting by victims. Inverness is the only place in the Highlands and Islands that has a safe house or refuge where rape victims can be taken. In all other cases, the woman and the man who is the alleged perpetrator of the crime are taken to the same police station. They might even meet each other in the corridor, because there will be only one room for examinations. I believe that there is only one female police surgeon in the Highlands and Islands—as one can imagine, it is difficult to retain female police surgeons in remote areas.

There is a fundamental misconception that rape is a sexual offence; in fact, it is an offence that is based on power. The establishment treats rape as though it were a sexual offence and so often questions the woman's sexual character. I think that we should change fundamentally the definition of rape in law. I do not want to make a speech, but do you agree with that proposal?

Are you able to go to schools to talk to pupils about rape, or is that a no-go area for the educational establishment?

Sandy Brindley: That depends on the good will and interest of the head teacher and the guidance to staff in individual schools—there is no strategic programme of education or awareness raising for young people by rape crisis centres. That is disappointing, given the recent research carried out by the Zero Tolerance Trust, which found that

a significant number of young women and young men thought that it was okay to rape a woman or to force her to have sex under certain circumstances. I agree that important work must be carried out, but resources must be made available for that to happen.

Cara Gillespie: Maureen Macmillan was absolutely correct when she talked about the legal definition of rape and said that it was about power. We think that it is important that there should be no differentiation between forms of violence. We should consider the cross-cutting issues, which are invariably about power.

Johann Lamont (Glasgow Pollok) (Lab): You will know that part of the context in which you are giving evidence is our examination of the way in which women are treated by the legal system as vulnerable witnesses. The Scottish Executive is progressing an action plan, following the consultation paper "Towards a Just Conclusion", which dealt with vulnerable witnesses. What main recommendations do you want to come out of the action plan? You have touched on many points, but what, for you, are the key issues about the way in which women are treated in court when they make allegations of sexual offences?

You talked about the shockingly low rate of reported crime and the low number of convictions in the tiny percentage of cases that are reported. Has any work been done on whether a judgment on the nature of the offence is made when the decision whether to prosecute is taken? Are cases less likely to be pursued if the woman knew the person who assaulted her and are they more likely to be pursued if the perpetrator is a stranger? In some cases, we hear that there was supposedly no rape at all because the woman knew the perpetrator and so on. Is the decision not to prosecute entirely random?

Sandy Brindley: A piece of research carried out in England and Wales last year addressed the specific issue of whether so-called date rape is less likely to lead to criminal proceedings or to a conviction. That research found a high attrition rate in cases where women knew their assailant—those cases either were not getting to court or had a low conviction rate.

We submitted a full response to the consultation document on the review of the treatment of vulnerable witnesses. We would like serious consideration to be given to the introduction of special prosecutors for sexual offences. Such posts have been introduced in some states in America and have had a significant impact on conviction rates. The advantage of introducing special prosecutors for such crimes is that prosecutors can build up experience and expertise and meet women before the trial, which does not happen at present and which is central to building

up a strong case. Another advantage would be that the prosecutors might take a more active role in trying to intervene when, during the cross-examination of the victim, defence lawyers introduce irrelevant evidence about the victim's sexual history. At present, there is a danger that no one will intervene when defence lawyers introduce such evidence, because no one sees it as their role to do so.

Johann Lamont: Do you agree with the idea of establishing special courts, so that the whole system is geared to recognising the vulnerability of certain witnesses? Those courts might also deal with child abuse cases and so on.

Sandy Brindley: Many different attempts, some of which have been more successful than others, have been made in different countries and states to deal with the problems that we face in Scotland in terms of women's experience of the legal system and the low conviction rate. We should take as our starting point the fact that urgent change is required, followed by sustained review of procedures that would work in Scotland and those that would not work. Women's views should be integrated into that process.

Malcolm Chisholm (Edinburgh North and Leith) (Lab): Johann Lamont raised a topical point. Partly because of her work and partly because of the work of the SNP's Gil Paterson, the Executive has pledged to report back on "Towards a Just Conclusion" by the end of April, so there is a live debate about vulnerable witnesses.

Did you think that "Towards a Just Conclusion" was a helpful document? I remember that Lilly Greenan, of Edinburgh rape crisis, said at the time that it was disappointing in comparison to the measures that were being offered in England and that have now been passed into law. Do you agree with her views?

Cara Gillespie: That is not my area of expertise, as I focus much more on service provision.

Sandy Brindley: However, we agree that it was a disappointing document, because it made assertions that we found startling. For example, it said that there were no problems for witnesses who gave evidence in sexual assault trials. It was also disappointing that, in arriving at that conclusion, the working group had not consulted organisations that support women who are going through the criminal justice process and women themselves. If they had been consulted, the working group would have had great difficulty in arriving at that conclusion.

We will be interested to see what comes out of the document, particularly in relation to the responses by organisations such as the rape crisis network.

Malcolm Chisholm: Cara, you referred to a leaflet that is being published today—you have knowledge that we do not have. What exactly is that leaflet? Was your point that the leaflet was being funded but that the services were not?

Cara Gillespie: That is correct. Around the time that a lot of work was being done on domestic abuse, the Scottish Executive published a leaflet raising awareness of the domestic abuse services that were available in Scotland. One of our centres approached the Executive and said, “Hang on a minute. What about all the other services for women that we need to be publicising out there?” We managed to get agreement to fund the production of the leaflet, which is being launched today in Stirling by Jackie Baillie.

10:30

Malcolm Chisholm: The leaflet will refer to Edinburgh rape crisis centre and all the other rape crisis centres. Might we expect that those will become better known and be used even more than they are already?

Cara Gillespie: We certainly hope so, particularly if we can use the distribution networks that have been made available to get leaflets right across Scotland to police forces, health services and all the places where we want them to be.

Malcolm Chisholm: What combinations of funding do different rape crisis centres have? Are they different in different places?

Cara Gillespie: Our funding is outlined in more detail in our written evidence. Some centres receive local authority funding, mainly through the section 10 funding strand, which is available to voluntary organisations. Edinburgh rape crisis centre receives the biggest chunk of money—about £30,000 a year, which is enough to fund one salary and to make some contribution to running costs. Some centres receive radically smaller amounts of funding from local authorities. Aberdeen rape crisis centre, for example, receives £2,500, which pays part of its rent. Some centres are funded primarily by the unemployed voluntary action fund, whereas others receive lottery funding. The majority are heavily dependent on voluntary donations.

Malcolm Chisholm: Would you like to see a central fund, similar to the domestic abuse fund?

Cara Gillespie: Absolutely. We need to consider how much of this work should be a statutory responsibility—how much of the work we want to be done as part of creating a civil society in Scotland. The effects of abuse are so widespread and increasingly well documented that shirking responsibility for these women must be regarded as a real failing by our state.

Malcolm Chisholm: Maureen Macmillan reminded us that rape is really about power. Would you like to comment on the dreadful book that came out recently and took a different view?

Cara Gillespie: I cannot remember which American feminist responded to it, but she made a very important point. Obviously, we dismiss the views that were expressed in the book; we are concerned about how dangerous it is for them to be in the public domain, where people may be swayed by them. However, one of the most worrying things is that the authors can now set themselves up as expert witnesses in high-profile rape cases in the United States. The negative effect of the book is compounded by the potential negative effect of the views that it contains being used as expert testimony in rape cases.

Tommy Sheridan (Glasgow) (SSP): Cara, do you share my concern that you will experience a difficulty similar to the one that the zero tolerance campaign has had over the past few years, in that the increase in your profile that will result from the launch of this national leaflet—which is very welcome—will highlight even more the problems that you face when providing a service?

I find it incredible that a survey in 1998 indicated that only one in 10 of the women who call you get through first time. A crisis centre demands to be funded properly, so that people who are in a crisis get to speak to somebody, rather than to an answering machine. I hope that the rape crisis network will continue to pursue statutory funding. As a councillor, I know that section 10 funding is the easiest for councils to cut. Glasgow City Council recently cut £174,000 from section 10 funding, which will affect many of the services that you have mentioned. Do you see it as your role to pursue statutory funding for rape crisis centres as a priority through the Scottish Parliament?

Cara Gillespie: That is certainly one of the things that we will be pursuing. Like many other organisations, we have been battering against a door for many years, so that now that it has been opened we are in danger of falling over the threshold. We have a great deal of infrastructure building to do, in terms of fund raising and accessing resources. One of our main action points as part of that will be to pursue statutory funding.

Tommy Sheridan: I hope that we can assist you to make the case for statutory funding for the service.

When the COSLA guidance on tackling violence against women was launched, it was regarded as a breath of fresh air and as a document that had taken on board views from across Scotland. Why has it not been implemented?

Sandy Brindley: That is a very good question,

which we have raised in the different agency forums in which we are involved. There is no point in inventing new guidelines, as the COSLA guidelines already exist, were subject to wide consultation and would make a significant difference to women who are experiencing any form of sexual violence. We would like organisations such as the police to give a stated commitment that they accept the guidelines and are looking to implement them. At the moment, that is not happening.

Tommy Sheridan: Convener, I hope that the committee will agree to make representations to the Executive about implementation of the COSLA guidelines, as that would maintain a focus on the issue and, I hope, encourage it to get moving.

Shona Robison (North-East Scotland) (SNP): I support Tommy Sheridan's call for us to ask questions about why the COSLA guidelines have not been implemented. Have any of the COSLA guidelines been implemented to any extent?

Sandy Brindley: There has not been a strategic review of the guidelines' implementation, so it is very difficult to see how far implementation has proceeded at a national level. I welcome the suggestion that the Executive should take a lead in recommending implementation of the guidelines.

Shona Robison: Was no strategic review mechanism set up when the guidelines were announced?

Sandy Brindley: A review was built into the initial process, but there has been no long-term review of implementation.

Shona Robison: During your presentation you talked about the police complaints procedure. Did your organisation feed into the consultation process for the Macpherson report?

Sandy Brindley: For some years we have been raising the issue of the police complaints procedure, particularly with regard to rape by policemen. We understand that it is being reviewed at present. We hope to feed into that consultation. We have written to various ministers who have responsibility for the consultation to express our interest in being involved. We have also arranged a meeting with Jackie Baillie to discuss our concerns. We hope that we will be able to represent the concerns that women are expressing to us and to feed them into the review process.

Maureen Macmillan: I want to return to the criminal justice system and your relationship with the police. Do the police ever call you in when they are dealing with a rape case, to give support to the victim? Presumably there is variation across the country, but how often does that happen? What

relationship do you have with other victim support services such as Women's Aid and Victim Support? Do you find that you are all doing your own thing, or is there co-operation between you?

Sandy Brindley: Whether we are called in to give support in rape cases depends on individual police stations or female-and-child units. All should have our details and leaflets, which they ought to pass on to women as a matter of course. Again, there are problems with resources. As Tommy Sheridan pointed out, for every woman who gets through to us, 10 women are unable to. If we are to respond effectively to women who are going through the criminal justice process, we must be resourced to do that.

We are involved, with various networks and working groups, with other organisations such as Women's Aid, SAY Women and Zero Tolerance. Over the past few years, we have been concerned that only a limited pot of money is available for this area of work, which forces equally essential organisations to compete against one other for funding. We are very reluctant to see that happen, as we believe that it is essential that women should have access to organisations such as Women's Aid and ourselves.

Maureen Macmillan: How would you feel about the criminal justice system having a pot of money that enabled it to buy in services such as yours when it was felt that a woman needed support? I put that suggestion to a procurator fiscal, who was quite keen on it provided the money was available. Could you see yourselves going down that road?

Cara Gillespie: That would raise fundamental issues about our practice and service provision. Women contact us themselves—we do not operate a directive service that involves our deciding that a woman needs our help. We would prefer women to choose whether to approach us for help. Having said that, all suggestions should be on the table for discussion and dialogue.

I want to respond to a point that was made earlier about the criminal justice system. We provide local police forces with regular training, which extends to specialist officers and ordinary constables. However, provision is patchy across Scotland and some forces have a better relationship with their local rape crisis centre than others. Over the years, we have also provided victim support groups with a great deal of training. Our expertise is in danger of being hijacked. Obviously, we want to prevent that.

Maureen Macmillan: Sometimes, if your expertise is hijacked by other organisations, it can be diluted.

Cara Gillespie: That is correct. We have specialist knowledge of and a unique approach to the issues—as has Women's Aid. It is important

that those are not lost.

Elaine Smith (Coatbridge and Chryston) (Lab): I want to follow up Maureen Macmillan's question about your relationship with other organisations. What do you think about establishing women's centres in major towns and cities, where the different organisations could all be sited? Is that idea worth considering, or would different organisations want to retain their separate identities? At the moment, organisations are each paying rent and rates on different buildings.

Cara Gillespie: There are women's centres in many towns and cities across Scotland. The idea that they could serve as umbrella organisations for all the different groups has much to commend it, but there are problems of confidentiality that would need to be worked through. We and Women's Aid prefer to keep the addresses of our premises confidential, so that potentially violent partners or those who have abused women cannot find them. Women's Aid has confidential refuges and we prefer to not to publicise the address of our office, to which women come for support. Women do not necessarily want to be identified approaching a particular building.

Sandy Brindley: There are advantages and disadvantages to the one-stop approach, which I know has been tried in some parts of England and in other countries. There may be reasons for a women not wanting to approach a particular organisation—her sister may work there, for example. There are definite advantages in having separate organisations that are autonomous; the more options a woman has, the greater is the possibility of her being able to access the support she is looking for.

Cara Gillespie: We have considered other arrangements in the past. We would love to develop a one-stop service for women to be examined by the forensic examiner on rape crisis premises and with a rape crisis worker present. We have engaged in negotiations with the local genito-urinary medicine clinic, to examine options such as that. We would definitely be interested in those kinds of crossover arrangements.

10:45

Johann Lamont: I hope that this committee will make a strong statement on funding, for two reasons. First, the leaflet is generating work for you but we are not providing the means for you to deliver support. Secondly, my impression is that women are more likely to approach an organisation that is not closely identified with the statutory organisations. I presume that statutory organisations will refer people to you through social work departments, so the responsibility is

passed, to some extent, without extra funding being allocated. I hope that this committee will say something specific on that issue. I presume that you receive many referrals in that way.

In your evidence, you say:

"Over 50% of the women who contacted us in 1999 were benefit dependent."

All the evidence suggests that violence against women knows no class boundaries—it is not just poor women who are attacked and assaulted.

Cara Gillespie: No, absolutely not.

Johann Lamont: Does that mean that the experience of rape and sexual assault begins to impact so much on their lives that women are less able to support themselves economically, or does it mean that there are other support structures for women who happen to be in work?

Cara Gillespie: It is important to be clear about this. You are correct in saying that there are no class boundaries in relation to this issue. Rape and sexual assault have a severe impact on women's self-esteem and self-confidence and on their ability to take their place in the world. That may, in turn, have an impact on their employment possibilities. I am not aware of whether any research has been conducted into that issue. Our statistic reflects the fact that we offer a free service and are therefore more accessible to women who are on low incomes or who are benefit dependent.

Women who are on higher incomes or who have more resources available to them are able to access private counselling. That is where the remaining 40 per cent or so of women are going.

Johann Lamont: It would therefore be part of the Government's social inclusion strategy. One of the difficulties with the social inclusion strategy is that it is geographically based. I presume that it is very difficult for you to access locally based funding. A Glasgow organisation, for example, would find it difficult to access moneys from the different social inclusion partnerships that operate in Glasgow.

I have one final question, on training. You talked about the lack of women doctors to examine victims of sexual assault. Are you involved with people who are going through medical training, either doctors or nurses? How receptive is the medical profession to ideas about the kind of training that you want to develop?

Sandy Brindley: For the past few weeks, we have been trying to clarify whether the police casualty surgeons who carry out medical examinations receive specialist training. There seems to be some confusion about whether there is any specialist training for general practitioners who carry out the role of police casualty surgeon.

Our rape crisis centre, which covers Strathclyde, has no input whatsoever into the training of police casualty surgeons—not for want of trying.

Cara Gillespie: Part of your question concerned our relationship with the medical profession—is that correct?

Johann Lamont: Yes. I am interested to know the extent to which the medical profession acknowledges that it has something to learn about the way to deal with women who report sexual abuse and require to be examined.

Cara Gillespie: In the practical sense that Sandy mentioned, there is a huge amount to be gained. We provide training for clinical psychology students and a variety of other people in the medical profession. There are fundamental differences in our approach to rape and abuse. The medical profession pursues a medical approach towards women who survive violence, whereas we pursue a different empowerment model. We do not consider the women as displaying symptoms in any sense—we adopt a completely different perspective on it. There are differences in our approaches but that can be a good thing, as it provides a range of options for women: they can choose their approach and can access the kinds of services that they think will help them best.

Sandy Brindley: We would welcome the development of that at a strategic level. The service is patchy and depends on the interest and good will of individual departments and organisations, or on their recognition of the role of the rape crisis centre.

There is a clear need in the health service for direct training on dealing with issues of sexual violence, as some women's experiences are negative: they have approached their GPs after having been raped and the automatic response has been the prescription of anti-depressants, which is often not the most effective response. Women also find that their reactions are medicalised and that they are labelled as having personality disorders if they harm themselves. That shows a lack of awareness of the effects and impact of sexual violence. We would like there to be more training in the treatment of those women.

The Convener: The final question will come from Tommy Sheridan.

Tommy Sheridan: I invite Sandy to comment on a point that Maureen Macmillan made. If there was agreement for the criminal justice system to purchase services from organisations such as yours, would that not militate against the excellent proposal to develop prosecutors and to consider special courts? My worry is that those services would become an adjunct, or poor cousin, in the legal system. What you really want is for them to

become part of the legal system and to encourage an improvement in prosecution and the way in which prosecution is carried out. Do you agree with that?

Sandy Brindley: Yes, I agree that there would be real difficulties in going down that funding route. We would have to take on a campaigning and awareness-raising role in highlighting the difficulties that women experience in the criminal justice system. We would much rather consider the option of centralised funding or specific funding for essential services for women who experience violence.

A lot of good work has been undertaken by the Scottish Executive and the Government in relation to violence against women, particularly domestic abuse. However, high-profile campaigns are often not backed up by the resources to meet the increase in demand for women's services. Campaigns increase women's awareness and highlight their concerns, but are not always able to access the support that is crucial.

The Convener: Thanks very much for giving evidence to the committee. We will discuss ways in which we can develop, in a practical way, the issues that have been raised today—which will no doubt be raised by other witnesses as well. I hope that the committee will contact you in the future, if we feel that you can assist us in that process.

The third item on the agenda is evidence from SAY Women. I welcome Rosina McCrae, whom I have known for many years, and another witness who wants to remain anonymous. I ask members of the public and press to respect her wishes. Rosina will read out a statement from the witness, which she would find too upsetting to read out herself, and the witness will then try to answer questions.

Rosina McCrae (SAY Women): Thank you. I shall touch on the evidence that we have already submitted to the committee before I read out the statement from Ms Y, which is the most powerful evidence.

The point was made by rape crisis, and will be reinforced by Zero Tolerance, that this issue has been forced into the public domain by the campaigning of the women's movement. We are pleased with the resources that are being allocated to work on domestic violence, but I would like to emphasise the fact that women and children face many forms of violence. The sexual abuse of children is the issue that our society finds most difficult to deal with, partly because the crime is surrounded by secrecy and because the abuser locks the child into complicity and responsibility that reinforce the survivor's sense of guilt and shame. It is important to acknowledge the strategies that children take to avoid abuse, which

are not often recognised.

The press's recent focus on abuse in care runs the risk of deflecting attention from abuse within the family unit. Many survivors have been abused in the family unit. Much progress has been made recently in child protection, but we want to emphasise the fact that resources are lacking for the survivors—particularly the adult survivors—of abuse. I shall highlight several issues in our report, on which we hope to secure the committee's support.

We stress the fact that not all the survivors are in need of help; many are strong, capable and independent adults. However, as a result of the circumstances that affect us all, we deal with some of the most vulnerable young women. The statistics are in our report. We want to highlight the importance of funding, which has implications for our resources. It has been difficult for SAY Women to stay afloat; we have relied on the philanthropy of Victorians, rather than the statutory sector, to keep us alive, although we have made progress recently.

The importance of a coherent strategy in dealing with abuse will be highlighted in Ms Y's statement. Such a strategy is especially important in the health service, as its approach is not supportive of our young tenants, particularly when dealing with the self-harm and overdosing that feature highly in the lives of survivors of child sexual abuse. Similarly, survivors face difficulties in the criminal justice system. Finally, the recent report "Where is she tonight?", from the Glasgow routes out of prostitution SIP, has highlighted the need for specialist single-sex accommodation. Women are particularly vulnerable in mixed-sex hostels.

I would now like to move on to Ms Y's statement. I ask the committee to admire her courage and respect the fact that it may be difficult for her to revisit her memories of abuse. At times, she may not be able to respond, but we will do the best we can for the committee. As part of its consultation process, the Parliament might consider allowing survivors to give evidence in a less formal setting.

11:00

The following is Ms Y's statement.

"I was brought up in a small community with a violent father who regularly beat my mum and the children. He was put in prison for 3½ yrs (he got a 7 year sentence, only did 3½ yrs) for sexually abusing my older sister. He was allowed back into our house with supposed to be supervision. He started to sexually abuse me and I found out years later that he also abused my 2 younger sisters. I managed to tell someone who informed the social work and police. We were taken into care, 4 of us. My father totally manipulated the whole family at this time where the rest of my family didn't speak to me. My mum I felt turned against me and I wasn't believed. He was a very powerful man and

I am still scared of him even although I don't see him. He finally years later went to the High Court on charges against myself, my older sister (who spoke out years later, the one he abused in the first place), my 2 younger sisters. He got not guilty. I felt let down by the justice system, feeling yet again not believed when I was telling the truth. I got criminal injuries money which must of proved something.

We all stayed in care, my father continually going to courts to get his children back but thankfully he didn't get them. My younger sisters are still in care, at least they're safe from him. But to me he's a free man, he can keep abusing again until he's caught. That worries me so much because I know how I feel and if I could stop him abusing I more child, I would but I don't have that power.

It's mad there is now the sex offenders list now, but what happens to the offenders from years ago, who watches out for what they might do. They need something set up to make sure that the ones who were convicted years ago are still kept an eye on.

I am now speaking to some of my family. My mum stuck by my dad which upset me because I love and miss her and want her to love me but she blames me for her losing her children to being in care. She is in so much denial because my father has brainwashed her so much she believes she is a useless person.

Through the abuse I am the one that is still left with the shame of what as I see I let my father do. I blame myself. I hate myself and my body. I have an eating disorder and I cut myself. I have depression and I have tried to kill myself several times when life becomes hard to cope with. I find it very hard trusting people and don't know if I will ever lead a normal life.

I was in the Say Women project for 2 years which really did a lot for me and they gave me a lot of emotional support that I needed in a safe environment. More places like Say Women are so much needed because when you have been abused you can become scared of guys thinking they are all the same and you don't trust them, so being in a female environment helped me and I realise now not all men are the same but I needed to be in the safe environment to realise that. Say Women didn't have a lot of funding so they couldn't be 24 hour accommodation which is a pity because a lot of young women feel vulnerable at night. I did move on a lot when I was in Say Women and I got a greater insight into myself and how I am feeling and why. There badly needs to be more places like it and more money needs to be put into this direction for young women to be in single sex safe accommodation like Say Women.

Also women over 25 are still vulnerable and still struggle with the effects of childhood sexual abuse yet 25 is the cut off age for some specialist accommodation. Even over 25s need specialist help. Young women in Say Women are believed and understood and they are free from fear of violence which is so important to us.

It would be good for the young women from Say Women after the 18 months to move on to second-stage housing where they are in a flat but still get support from Say Women staff to help support them and keep an eye on them. Sadly due to money Say Women can't do this and their follow on support is short because of the staffing levels. Say Women are limited as to what they can do or set up because of money which is very sad because it is such a valuable service which could be expanded to help more young women. They help you feel a more valued person than when you first go in, if it wasn't for their support I wouldn't have moved on as much as I have. I still have a long way to go to in beginning to try and like myself and

wanting to live instead of constantly wanting to give up on life.

If Say Women had more money they could also maybe help with training within the NHS to help them see and understand the links of sexual abuse with someone who has cut themselves or overdosed. These people aren't attention seekers as a lot get put down as. Being abused gives you so much low self worth that you think all you're worth is punishing yourself by cutting, overdosing or starving yourself.

I feel the system failed me at times when I felt I needed it to back me and if I could help fight for other people to get a better service I will try my best. Nobody should ever be abused in any way. Everyone should be brought up with love and be protected. Sexual abuse is going on all the time and it is an increasing society problem that we can't hide from. We need to look at ways of protecting children more but also helping the ones who are the result as adults of years of sexual abuse by providing better services in this area. More counselling services, more money put into the services that are already successfully set up. Also more places in Scotland without being private or long waiting lists for people who suffer from eating disorders or self harm. Thank you."

The Convener: Thank you for reading out the statement. Thank you, Ms Y, for coming along to such a formal setting—it was brave of you. I will ask committee members whether they have any questions, but if you feel that you cannot answer, or do not want to, that is fine. Nobody will pressure you into answering questions. Does anyone have any questions for Rosina McCrae, or for Ms Y?

Maureen Macmillan: Thank you for coming, Ms Y. When you were in care, did you get the support that you needed?

Ms Y (SAY Women): Not really.

Maureen Macmillan: Did people realise what you had gone through and what effect that had had on you?

Ms Y: No.

Maureen Macmillan: So there may be room for more training for children's care workers.

Johann Lamont: It is interesting that Rosina—correctly, I think—used the word "survivors". We should see the women not as victims, but as survivors; that came across clearly in what you said, and in the written evidence. They are surviving dreadful things; our job is to find ways of supporting their courage. The fault lies in lack of funding and so on.

I want to ask about young women's experience of the justice system. For example, what happens when young women go to court? What are the main things that we should try to change? We have been considering the Scottish Office document, "Towards a Just Conclusion", which is about the treatment of vulnerable or intimidated witnesses. What are the main things that we should push for?

Rosina McCrae: SAY Women is an accommodation project and most of the young women with whom we deal are at the stage of thinking about going to the justice system. Undoubtedly, the police have made progress, but the impact on front-line services is not uniform. In a recent experience—a child protection issue—in a female-and-child unit, one of our young survivors, who was worried about a sibling who was still in the family home was told, "There are two sides to every story." If that phrase is still being used at the front line, it is hardly surprising that the young person immediately backs off and thinks, "I'm not going any further."

I had not seen "Towards a Just Conclusion" until Alison Taylor sent me a copy; I have not had time to read it. Our comments would be the same as those of rape crisis and most others in the women's movement. We need a separate court system—like a family court—because the rules of evidence under our current system are more suited to public crimes; it is expected that there will be witnesses because the crime takes place in the public domain. The abuse of women and children is private, and often there are no witnesses. We need to consider separate rules of evidence. There are certain ways of protecting witnesses, but only when the seriousness of the crime is taken into account and the justice system begins to take action will abusers get the signal that their behaviour is not acceptable to society.

Johann Lamont: What is your experience of the children's panel system? Perhaps Ms Y can say something about the experience that a person who is self-harming or running away has of that system. Can the system look beyond that and support a young woman whose good, logical reason—not a medical reason—for doing such things is what is happening in her home? Does the children's panel system need to change too?

Rosina McCrae: Perhaps, but we are not involved with that system. My experience of it, years ago, was through Women's Aid, but changes have been made since then. The woman used to be expected to provide evidence in the same room as her abuser. There was a lack of understanding about the power that was being exerted.

Johann Lamont: That was referred to in Ms Y's statement. Through talking to young women, have you picked up anecdotal evidence of the way in which the whole system allows the perpetrator of the abuse to be quite powerful?

Rosina McCrae: As a result of the young women's life circumstances, there tend to be wider issues by the time they come to us. That is certainly reflected in their writing. They can go from saying firmly that they were the victim and that they had survived the crime, to feeling

disbelieved and accused of being complicit in the crime; that reinforces their guilt.

Our project tends to focus on stabilising young women and getting them well. By the end of the 18 months, women are often starting to consider taking on the justice system; until then they are not well enough, emotionally or physically. We usually deal with homeless organisations, the care system and social work—about 50 per cent of our referrals have social work involvement. As Ms Y said, our energies tend to go into dealing with issues around women's self-harm and self-blame. It is towards the tail-end of their time with us that women start to consider having anything to do with the system.

The Convener: Do you want to answer any of Johann's questions, Ms Y?

Ms Y: In the court system, the cross-examination of people who have been through this can tear them apart. Their whole evidence can fall apart because the cross-examination is so hard for them. Maybe something could be done about that.

Malcolm Chisholm: Why does society find it so difficult to accept that children are at risk within the family unit? As you say, all the emphasis is on abuses of the care system.

Rosina McCrae: As we said at the beginning, the women's movement has drawn attention to male violence against women and men's overall control and power within society as a whole. We have needed legislation such as the Sex Discrimination Act 1975 or the Equal Pay Act 1970. We recognise and—to an extent—can cope with the way in which men's control and dominance impacts on the work situation and on wider society. However, when an aspect of men's position in society is that they abuse women and children, there are further issues to consider.

One manifestation of male power is its impact on the most vulnerable section of our community: children. Children have no control and no power. They do not have the physical, emotional or material resources to deal with abuse. Children can be sexually abused from as young as a few months old, right through their teenage years. It is natural for us to flinch at that, and not to want to deal with it. The courage of survivors has brought the issue into the public domain. Some of us are fortunate enough to have been brought up in a loving, caring family, but that background determines how we think that the rest of society operates. It is difficult for us to accept that the cornerstone, the family unit, can be abusive and that for many children it is not a safe haven.

Malcolm Chisholm: Are there any examples of health boards, general practitioners, primary care trusts and so on making some serious effort to address the issue, or do you feel that the health

service has not really taken it on board?

11:15

Rosina McCrae: In Glasgow, as you will have heard in Ms Y's story, our young women survivors invariably end up in hospital after taking an overdose. That is when their cutting becomes obvious. The approach of health service staff is, "Why are you doing that?" There is a lack of understanding that cutting is a survival mechanism; that reinforces the survivors' feeling that they are doing wrong.

Our communications with the health service take place very much on an individual basis; they might involve a local psychologist. In Glasgow, we can refer directly, but that possibility has been built up through personal contact.

The local mental health unit that services our organisation seems to have preconceived ideas about us. Try as we might to build bridges with it, our young tenants do not get a good service there. We have great difficulty in accessing community psychiatric nurses, and it has been difficult for some of our tenants to get hold of GPs. There has been no movement at all on the subject of self-harm. The unit puts up a kind of resistance, and that does not help the tenants.

We are aware of the health plans in the local co-operatives, but even though we are an organisation from the east end of Glasgow we have not been invited to any such schemes. We welcome the fact that the Equal Opportunities Committee has asked us to give evidence, but unless the Parliament understands the need for, and develops, a coherent strategy that involves health and social inclusion, there will be no movement. Without such movement, there would just be constant recycling with no means of intervening, and that would not be cost-effective for the health service.

Organisations such as ours and the rape crisis network, and all the other women's organisations, would be happy to co-operate towards a more informed approach. However, we have no evidence that such an approach is happening, apart from the fact that the health board has shifted a significant sum of money to our organisation because it recognised the necessity of doing so.

Aside from the strategic level, there are women and men who understand the situation, but—as with the police—things work only when such understanding has an impact at the grass roots.

In general, GPs are resistant to change. The Glasgow domestic violence protocol has been hitting constant problems just because of the lack of willingness to co-operate and to open up to new

ideas.

Malcolm Chisholm: As far as housing is concerned, the Executive recently said—in the context of the rough sleepers initiative—that it hoped to become more aware of all the issues. Is there any sign of that happening with the Glasgow rough sleepers initiative, or with any other housing initiative?

Rosina McCrae: No. As we highlighted in our report, referrals among homeless or drug-using women have jumped by 37 per cent over the past few years. Under the rough sleepers initiative, we have a post funded through the national lottery board consortium bid.

You can see the logic that makes young people run away from home. Because of the abuse, they end up in the streets, where they are vulnerable to prostitution and to the drugs scene.

In a sense, we are not involved. We are not considered with regard to the social inclusion agenda or any of the east end partnership bids. That needs to be considered when homelessness and drugs are being tackled.

The report mentions the high prevalence of child sexual abuse among drug users, certainly in Glasgow. At any time, the drug workers at any agency in Glasgow will say that between 50 per cent and 70 per cent of their clients are victims of sexual abuse—that is the underlying issue that must be dealt with. We work closely with East End Addiction, and we would like to do more, but we cannot stabilise our project funding enough to do such work.

About 16 per cent to 20 per cent of the young women who have approached us have held a tenancy previously. It will take more than just providing a roof over someone's head to break the cycle of homelessness. People must also be provided with a support package, but that requires a partnership between social services, housing services and the voluntary sector. It is important to look not just at one strand when we are considering this vulnerable and chaotic group in society.

Mr Michael McMahon (Hamilton North and Bellshill) (Lab): What you said about funding fitted in with what we heard from the rape crisis network. You also talked about the social inclusion and health agendas. Is there a danger that if central organisations such as local authorities, health boards and so on provided funding—to include you in those agendas—you would lose your independence? If your work was dictated to you, in order to fit an agenda, would there be a trade-off between the money that you would depend on and your independence?

Rosina McCrae: It is true that there is a trade-

off, but the women's organisations always defend their positions. Some of us could live well with such funding sources—we have done so in the past. Our funding from the health board certainly has no strings attached—the health board has given us the money directly. Our involvement with the Glasgow City Council's social work services is a bit more formal, but it is still quite happy to give us the independence that we need.

I should make one point about the social inclusion agenda: historically, most women's organisations in Glasgow have attempted to fit into the arrangements for section 10 funding. That would apply throughout Scotland. Section 10 provides for a minuscule amount—5 per cent of the overall social work budget, I think. All the women's organisations are attempting to feed into a very small wedge of the greater social work budget. We need access to some of the bigger budgets. With the evidence presented to you today, you can argue the rationale for including women's organisations under those budgets. We have survived for years—you can rely on us to be able to take on the statutory authorities and negotiate a partnership with them.

Shona Robison: I thank Ms Y for her statement. The comment about the system having failed her sums it all up.

Do you feel that the Children (Scotland) Act 1995 has helped children to be listened to and consulted, and to have their wishes and rights taken on board? I am thinking in particular about access and about children's having more of a voice, perhaps by saying that they do not want contact with a parent.

Rosina McCrae: The act has been a major step forward, but as with everything else, there is evidence that the system is still weighted towards adults—even children have said that. Evidence about access has been documented, especially in relation to domestic abuse and to cases of fathers getting access to children and still being allowed to abuse them. Even when children have managed to alert people, the system is a bit reluctant, and there is still support for fathers' rights.

We face the question of how to assist children's advocacy and create a format under which voices are listened to. The statistics include the number of times that children disclose to someone that abuse is happening. The children do not have the language that we would understand, so it is a matter of training and of being able to pick up the signals. In the case of a child who falls asleep in class and says, "I didn't sleep well last night", there is a point at which it is necessary for the teacher to be proactive in pursuing the matter, because that is a possible indication of sexual abuse.

The Children (Scotland) Act 1995 is a major step forward, and should be used to the fullest possible extent, but we tend to work with the adult survivors at the other end. It is important to focus on the process, and boundaries and safeguards must be built in throughout. At our stage, we tend to deal with young survivors who have had the least service. They are usually in the homeless scene.

The Convener: Another four people have indicated that they want to speak. I will wind up the discussion after that, as an hour is long enough for the witnesses to sit.

Irene McGugan (North-East Scotland) (SNP): I notice that SAY Women has no geographical boundaries, but your work seems to be very focused in the Glasgow area. How available are the services and support that you provide in other parts of Scotland?

Rosina McCrae: Usually, about 50 per cent of our tenants are from Glasgow and the rest are from outwith Glasgow. That is a rough average. Our service is accessible in as much as we get about 65 or 70 referrals a year for eight places. That shows the pressure on our service.

We have to consider the vulnerability of the young women. They may be vulnerable because of their age. As Ms Y has highlighted, support services tend to end for the over-25s, so if we think that someone has no support, we will bring them in on the basis of age. Women may also be vulnerable to homelessness or vulnerable because of their personal motivation.

We do not take geographical considerations into account. The fact that 50 per cent of our tenants come from Glasgow is partly because we are based in the east end of Glasgow, so we are best known to the Glasgow agencies. However, last year we had a young woman from Wales and a woman from London and at the moment we have young women from the rural north of Scotland. We tend to have a spread.

As Glasgow moves to give us more support through funding, we may lose some ability to negotiate our independence. Supplementation is being considered, which is a funding formula. We have already flagged up the fact that we do not want to lose our wide geographical focus and that we hope to offer a service to young women throughout the UK. Apart from us, only Pathway in Edinburgh offers a similar service. There is certainly scope for extension.

Elaine Smith: My understanding is that, like the figures we heard from the rape crisis network, not many cases of child abuse go to court. Of those that do, few end in conviction. I do not know the exact figures—perhaps you do.

You say in your written evidence that, of the

14,000 video evidence tapes taken in suspected child sexual abuse cases, only about 200 could be used in evidence. Why is that? Does it go back to the points raised in response to Shona Robison's question about the need to train people who take evidence and to use the child's language? Is it because most of the cases never get to court?

You go on to say that you would be interested in participating in some kind of working group. Do you envisage that group dealing with the whole issue of violence against women? Is that something that you would like the Parliament to take forward?

Rosina McCrae: Those statistics date from soon after the introduction of video evidence, which was seen as a way forward—a better, less formal way of giving children access to the justice system. It would be interesting for the Parliament to find out the latest figures.

A number of factors were at play at that time. There were issues about lawyers not being clued up enough about what was required of witnesses during evidence. The defence also challenged evidence, so many of the videos were ruled out for different reasons. That is another example of how, even when something is introduced to give children access to the justice system and support, the system is very adversarial. It is right to support the accused, but we are talking about vulnerable witnesses and, in my opinion, about a very different type of crime, which requires different rules of evidence.

It would be interesting for the Parliament or this committee to pursue the point and find out what is happening with video evidence now. At the time, it represented a new way of doing things in the court system. Those figures spoke volumes. As Ms Y has said, the court system can be extremely distressing. We must find different ways in which to give children access.

Like most women's organisations, we are suffering from consultation overdose. We offer a front-line service and that must come first. Responding to consultations and keeping up with research is very difficult for us. From what I have seen of the Parliament's work, I can say that putting research and information in the public domain is very useful for groups such as ours.

However, it is important that consultation is meaningful. A few years ago, we all contributed to a strategy to tackle violence against women, and we have heard nothing since—we do not know what has happened to that strategy. There is some cynicism when we are faced with another consultation process. More meaningful than sending out consultation documents would be to attend some of the working groups, which allow for more detail and draw out the evidence of survivors

like Ms Y, who feel more able to contribute in that context.

11:30

Tommy Sheridan: I would like to thank Ms Y for having the courage to come along today.

Rosina, you have said that you have about 65 referrals a year for eight places. That suggests a failure in a certain type of front-line service provision. What is happening to the 55 or so cases that you are not able to accommodate?

Glasgow City Council has a policy of prioritising domestic abuse victims in housing requests. As a councillor as well as an MSP, I am concerned that that means that the council provides a house without a support mechanism to deal with the plethora of problems that go along with being a survivor. Would you comment on the gap between the provision and the need for the service?

Rosina McCrae: You are right about the size of the gap—the statistics speak for themselves. We get referrals from a variety of organisations. About 16 to 20 per cent of our referrals are young people who have come through the care system. The social work department has already identified people who are vulnerable and have disclosed child sexual abuse. It looks for another service to take over once the young person has left care. However, we can accommodate only one in four of those young people.

We also get referrals from drug support agencies, such as Turning Point in Glasgow. Those young people are in a tragic situation, too. As we know about the other resources in the city, we try to suggest other agencies that might be more appropriate to the need. The tragedy is that we get re-referrals, because the women—there are male survivors too, but we deal only with women—end up back on the rough sleeping scene or in the big hostels. It is difficult to stay away from drug and alcohol abuse in the homeless scene. There is a definite lack of provision.

We are starting to direct people towards the wider mental health organisations, such as the Richmond Fellowship, which can at least give them some sort of support and prevent them from going back into the hostels. Again, such organisations are usually geared up to dealing with overdosing, but not with some addictions and self-harm issues. The answer to your question is that the people we cannot accommodate go back into the scene. That puts pressure on services, as they keep recycling the same young people.

Tommy Sheridan: I fully endorse what Rosina said about the Richmond Fellowship, which operates in my constituency and has an

exemplary record of offering full support, sometimes in difficult situations where there is stigmatisation from the wider community. That applies particularly when it is dealing with people who have been decarcerated from psychiatric institutions. I am glad that you have highlighted the fact that there is a big gap in the services that are required to back up the physical accommodation.

Rosina McCrae: I do not know how Ms Y feels about her experience of getting services outwith our organisation.

Ms Y: There are not many services out there for people with eating disorders and problems of self-harm. All the treatment centres for eating disorders are private, so people have had it if their GP will not fund them to go there. There are not many groups up and running to which people with problems of self-harm can go.

Maureen Macmillan: Rosina's response to Shona Robison's question covered many of the issues that I wanted to raise. We need a cultural shift so that people realise that abuse of children is happening. There is an assumption among some people that children tell lies about this, but I think that we must always believe children when they come forward, however they do that. Children do not think and speak like adults, so we must be alert to the signals. I know that some runaways are continually returned home because they have never said clearly what is happening to them. Social services must be much more aware that children may be running away because of abuse.

I am not sure what the current legal position is on removing the alleged perpetrator from the home, instead of taking the children. Can you clarify that?

Rosina McCrae: I understand that that is possible. At the moment our project is focused on supporting the young survivor, but I hope that social services are exploring the option to which Maureen refers. The young women with whom we are dealing at the moment did not get the benefit of current legislation, which represents a major step forward and should have an impact in future. However, my past experience suggests that we are dealing with entrenched attitudes and that the system is still geared towards upholding the rights of adult male perpetrators. The legislation must be carefully enforced and monitored, so that any blockages in the system can be identified.

Maureen Macmillan: I thought that it was now possible for the alleged perpetrator to be removed from the home, but I was not sure because I had not heard of the power being used.

Rosina McCrae: It should be. I understand that the power has not been used as much as had been anticipated, so there seems to be a problem on the ground. It would be useful to see how many

orders have been made and what the outcome has been.

The Convener: Ms Y, would you like to answer any questions or add anything? I am aware that members have not been firing questions at you, but that is probably because they do not want to put you under pressure, rather than because they are not interested in what you have to say.

Ms Y: I do not have anything to add.

The Convener: Thank you for coming. The formality of committee meetings does not make them conducive to sharing the type of experiences that you have had, but I can assure you that the committee will take on board the points that you have made and deal with them either here or in recommendations to other committees. Thank you very much for attending; I hope that it has not been too much of an ordeal.

Rosina McCrae: I want to ask about the purpose of this meeting. Will our organisations get anything from giving evidence today?

Johann Lamont: You have saved the hard questions until the end.

When the Equal Opportunities Committee was set up, members recognised that there were many strands to inequality and that it was important to name inequality. We decided to divide into sub-groups, one of which was the women's sub-group. When that sub-group was initially feeling its way, we decided to examine women's experience of the justice system, as survivors of abuse or as victims of violence and as offenders. It was felt that women perhaps came through the justice system more quickly. For example, girls who went before the children's panel were perceived as being vulnerable in different ways from boys and as a result were treated slightly differently.

In initial discussions, someone mentioned the "Towards a Just Conclusion" document, which I had not heard about and which specifically considered how the court system should treat vulnerable witnesses. I was not sure whether the document was sufficiently aware of women's experience. The document had been published before the Scottish Parliament was set up and it seemed to have disappeared—the group's first task was to find out what had happened to it. As Malcolm Chisholm said, the Scottish Executive has said that, within the next 90 days, it will produce a report about actioning the responses to the document.

The sub-group felt that it was important to put on the record any evidence from women's organisations about the treatment of women in the system and how agencies and groups work with those women, because those voices should be heard. The first stage of our work was to speak to

organisations such as SAY Women, Rape Crisis Network and the Zero Tolerance Trust. We are also hoping to have a presentation from Professor Sheila McLean, who has conducted some research into offending. I hope that we can also have discussions on the matter in the less formal settings of the sub-group.

In answer to your question, I suppose that the first thing that your organisation will get out of the process is a voice and, if nothing else, a public report of your statement of the issues. The women's sub-group is hoping to pull together all the evidence that has been received and to produce a report about funding issues as well as the "Towards a Just Conclusion" document. That report will be passed to the Executive and perhaps to the Justice and Home Affairs Committee for consideration. As I said, our first task was to dust off a document that had been sitting on a shelf somewhere and to pursue the issues that it raised, which has been done. I hope that, once the report is published, we can discuss with your organisations how to make progress on these issues.

Rosina McCrae: Thanks.

The Convener: Thanks again for coming along.

The next item is evidence from Evelyn Gillan of the Zero Tolerance Trust. After she has given her presentation members will comment or ask questions.

11:45

Evelyn Gillan (Zero Tolerance Trust): I will be brief, as you have had very useful presentations.

There are three things that need to happen for the Parliament to be effective in tackling male violence against women and children. I suggest that this committee could play a key role in that. It is encouraging that members are thinking about what this committee could achieve.

First, we need to make the links between the different forms of violence. The presentations that you heard reiterated that point. When we launched the first zero tolerance campaign eight years ago, people asked us why we had included child sexual abuse and even rape in the campaign. We said then that all forms of violence against women and children are linked and share the same underlying causes; the problem was not about mad, sad or bad men but about power and control. If we separate the different forms of violence, we lose those connections and the problem—the sheer scale of abuse—will seem overwhelming for politicians. Therefore, it concerns us that the Scottish Partnership on Domestic Violence, which has been established by the Executive, is focusing only on domestic abuse. We hope that this

committee will support our efforts to encourage the Parliament to make the links between the different forms of violence.

Because it is useful for the other work with which this committee is involved, we ask you to make the links between violence against women and other oppressions. Homophobic bullying, racism and disability discrimination all share the same underlying causes. We must consider the problem from the point of view that if we have a divisive society, which privileges one group above another, individual abuses of power such as the ones about which we have heard will remain unchecked. Therefore, the first important step is to make the connections.

Secondly, we need to make the links between the different policy issues that are involved. Rape Crisis and SAY Women have made that point very clearly. It is appropriate for the committee to examine violence against women and children because that is an equality issue. However, as we have heard, it also relates to social inclusion, crime prevention and criminal justice, housing, child protection, education and health. I suggest that the Equal Opportunities Committee is ideally placed to make those policy connections. No Government has done that successfully, and I am not convinced that the links are being made at Executive level.

I have just been at a Health Education Board for Scotland seminar on teenage pregnancy. We know that a quarter of reported rape victims are aged under 15. We also know that for significant numbers of mums who are aged under 16 the sex was unwanted, and that for many mums who are aged under 16 the fathers are considerably older—sometimes in their 30s. However, that perspective was missing from the seminar. Policy connections are vital. I think that this committee could take a lead in devising a model for the Parliament to develop an integrated response to tackling violence. I back what Rosina McCrae, Cara Gillespie and Sandy Brindley have said. We hope that you will make use of women's organisations and the expertise that is out there.

Thirdly—my organisation is particularly concerned about this—we must believe that things could be different. We must have a vision that takes us beyond simply dealing with the effects of violence. That does not detract from the very real service provision issues that need to be addressed. The Zero Tolerance Trust pioneered the three Ps—provision, prevention, protection—because we thought that an integrated, comprehensive strategy was the way forward.

The Parliament and, I hope, the Equal Opportunities Committee, should be concerned with preventing violence before it happens, rather than only with the consequences or with

preventing the escalation of violence. This comes down to how one views the problem and to how we can make the problem not seem as overwhelming as it can seem to be.

If we believe that violence against women and children is a social problem, and that social structures and cultural attitudes create the conditions for violence, we must believe that those structures and attitudes are capable of changing. The belief that change is possible drives the Zero Tolerance Trust. If we believe that change is possible, we must offer young men and young women different choices about how they relate to one another and to the wider society. The work in which we are engaged with young people across Scotland aims to do just that. Young people have taken our "Respect" message into pubs, clubs and campuses throughout Scotland. Our "Respect" CD-ROM and educational programmes give out a clear message: "Respect yourself, respect others and respect difference." We are saying to boys and girls, "Things do not have to be this way."

Maureen Macmillan's comment about work in schools highlights a critical issue. We are developing curriculum material for use in primary and secondary schools. If we can say to young people that they can develop relationships that are based on trust, respect and equality, things might begin to change. We believe that that fundamental work on primary prevention and root causes must form part of this Parliament's strategy. However, that work has not received such prominence. Less than a quarter of the 92 items listed for action in the work plan deal with prevention.

When we go to Cowdenbeath, Edinburgh and other places across Scotland, young people say to us, "You know, we never get the chance to talk about relationships in this way. We never get the chance to talk about pressure, about boys coming under pressure from other boys, or about girls coming under pressure from boys to have sex. All we ever get shown is how to put a condom on a courgette." That is the extent to which we engage with young people.

The Zero Tolerance Trust, like the organisations that came before us, receives no Government funding whatever to carry out this work. Our work is funded primarily by local authorities—I pay tribute to them and to those people here representing local authorities who have been supportive of that work. Other funding comes from charitable donations and private finance, but that approach must change if we are to make a difference. As well as carrying out our focused work with young people, the trust continues to develop preventive, public education campaigns.

The idea of cultural and societal change, which is fundamental to making a difference, has been referred to this morning. I urge the committee,

when it deliberates on the criminal justice system issues that must be addressed, not to forget Lynn Jamieson's research, to which Sandy Brindley referred. That research showed that, even when legislative reform has been instigated, defence lawyers still find ways in which to get round those reforms and to peddle misinformation. As Lynn Jamieson said, the defence lawyers

"create a smokescreen of immorality"

around women.

We need major reform, not just legislative reform. We must effect a fundamental shift in people's attitudes and in the way in which they view violence. We hope that the Executive will make use of the expertise of the Zero Tolerance Trust in developing its preventive work, although it has not done so in the past, which we think is another missed opportunity.

From the time that we have given the committee this morning, we hope to pass on the message that, if the Parliament is to be about anything, it must be about making a difference. All three organisations from which the committee has taken evidence this morning are making a difference, against considerable odds, and we hope that this committee will take a lead role in making a difference.

Who asks the questions in Parliament about why the COSLA guidelines are not taken up? Who is asking why women's organisations have not been consulted about vulnerable witnesses? Who is asking why there is no statutory funding, even though we provide services on a daily basis for organisations such as Rape Crisis and SAY Women? Who is asking why the Scottish Executive is paying advertising agencies £500,000 to develop mass-media campaigns when we are regarded in Europe as the leaders in developing preventive public education? I have just come back from China and even there people have heard of us, although we have no budget to tell people about what we do. It is absolutely vital that this committee takes a lead role, because at the moment there are questions about who is taking the lead and co-ordinating things.

Malcolm Chisholm: You raise many important issues. The Executive has not used the Zero Tolerance Trust in the past, but you are now part of the group that is taking forward the domestic abuse development fund. Do you think that there has been a shift and that you can now put across messages about prevention, or would you say that things have not changed?

Evelyn Gillan: We were invited to join the partnership only very recently, and we have attended only two meetings. We are grateful that that has finally happened. One of the questions that I have asked at meetings of the partnership

concerns the relationship between the mass-media work in which the Executive is involved and the partnership. It seemed as though they were not working together closely and that the crime prevention unit was developing mass-media campaigns quite separately from the partnership. However, Jackie Baillie recently attended the launch of our education CD-ROM; since that launch, we have been approached by the Executive about the possibility of our "Respect" campaign material being incorporated into the Executive's plans. It is a bit early to say, but things are looking much more hopeful now than they were six months ago.

Malcolm Chisholm: In another context, there is a big debate about guidelines on sex education. Should your "Respect" messages and materials not be being built into those as well?

Evelyn Gillan: Absolutely. That illustrates the point that I have been trying to make about joined-up government and policy connections. One of our big concerns is that the debate around sexual health strategy and guidelines and teenage pregnancy is happening separately from the Parliament's work on violence, despite the fact that there are clear links between the two. We have just finished evaluating a six-week educational programme that we conducted among young men and young women in Scotland. One of the findings was that the programme encouraged young men—a critical group for health education—and young women to seek health advice and to access sexual health services.

Tommy Sheridan: Evelyn finished her presentation very positively. I think that she was saying that we must do something, rather than simply be a listening body. It is not enough for us just to absorb information—we must do something with it. I suggest that, if the Zero Tolerance Trust and the other organisations that have given evidence today have questions that they want to ask, they should come to this committee, so that we can ensure that those questions are asked. Obviously, people can contact individual MSPs who can lodge questions for them, but there is more chance of generating answers in the time scales that are required if questions are asked via the committee. I hope that the Zero Tolerance Trust will use the committee to do that, as people who are providing front-line services can feel frustrated; they can feel that they are not being listened to, despite all the consultation that is happening. They are the people who are doing the work on the ground.

Mr Jamie McGrigor (Highlands and Islands) (Con): You said that we should find out why the COSLA guidelines had not been implemented. Could you expand a wee bit on that?

Evelyn Gillan: That was referred to by previous

witnesses. COSLA developed fairly comprehensive guidelines on multi-agency responses to tackle violence, which are the most comprehensive guidelines that have been drawn up in Scotland. As previous witnesses said, nobody is monitoring what has happened to those guidelines or whether they are being followed.

Johann Lamont: You asked who is asking questions about why the COSLA guidelines are not being taken up. I suppose that whoever asks the questions will get answers. Part of that questioning process might be conducted through the Equal Opportunities Committee, which can raise the matter with ministers.

Is there something about the way in which the Executive is structured that prevents that kind of work from being done? For example, it might have a perspective on justice and we might have a perspective on something else, but we might not pull together all the areas in relation to women—which is done through education. Do you have any suggestions of ways in which the Executive could listen to the questions, respond to them and deal with that kind of work more effectively? You will be aware of the Executive's equality unit. How else could that work be done?

12:00

Evelyn Gillan: A major policy issue for the Executive is the separating out of the various issues. Our experience is of going to a seminar on teenage pregnancy, going to a seminar on criminal justice or coming to the Equal Opportunities Committee, but it is not clear how the issues are coming together.

Although civil servants from all the key departments in the Executive are represented in the partnership, there is no political representation. We have said consistently that we think that that is unfortunate, as there needs to be a political drive to progress with the work. In my presentation, I was suggesting that it may be worth while for this committee to consider coming up with a model, and that one of the good things about the Parliament is the structures that make it possible for committees to access outside expertise, research money, and what have you.

The partnership will report at the end of the year, and that will be its job finished. It would be helpful if this committee could consider possible models for developing an integrated response. There are some good examples in Canada on which we could base such a response. Some kind of pilot work could be undertaken over the next six months that might suggest ways in which we could develop an integrated response. That would be timely, as the partnership will report at the end of the year.

The Convener: I think that fewer questions have been asked as a result of the nature of the evidence. We asked a lot of questions earlier. Thank you for coming along. I hope that the committee will be able to call on your expertise over the coming months, as we try to find practical ways to make progress on the issues that have been raised today. We will leave discussion of that evidence until we deal with item 8 in private.

2001 Census

The Convener: We now move on to item 5. Everybody should have a copy of the consultation document. I have written to the Deputy Minister for Social Inclusion, Housing and the Voluntary Sector, suggesting that we should have a longer time scale for consultation because of the timing of our committee meetings. Jackie Baillie has committed herself to allowing us a few extra days on it.

Everybody has a copy of the document. Prior to the committee meeting, I received a letter from Daniel Mulhall of the consulate general of Ireland, and a note from the Commission for Racial Equality—not its final response—on the question. I know that members do not have those documents, but are there any comments on the material that you have?

The consulate general of Ireland expressed disappointment that an Irish category was not included in the Scottish census, even though it is included on the census for England and Wales. That matter was raised earlier in the committee's discussions. I am sure that the committee would support that.

Mr McGrigor: I have had a few letters about language, but that is not what we are discussing.

The Convener: Language has been dealt with—we are going to be consulted about questions in the boosted household survey. When we are consulted on that, members can bring up letters and comments on language. At the moment I would like to focus on the consultation on the questions on religion and ethnicity.

Tommy Sheridan: Perhaps we could add an income bracket to the religion question.

The Convener: If you could think of a question that could fit in with that, I am sure that we could agree to it—but I think it is unlikely.

We have about a week to frame a response. Perhaps we could draft something and e-mail it to members. Any comments could be sent to me after that. We have agreed that we would like an Irish category included in the ethnicity question.

Nora Radcliffe: Did the consulate general realise that there was a question about country of birth, which covers the Republic of Ireland and Northern Ireland?

The Convener: Yes.

Nora Radcliffe: They do not think that that covers it?

The Convener: No. The letter says that

“the exclusion of an Irish category seems questionable . . . Many people in Scotland descended from Irish immigrants

would now choose to classify themselves as Irish”.

I can include that in the response that I e-mail round for comment by members. Is everyone happy with that?

Members indicated agreement.

Progress Reports

The Convener: The first report is from Irene McGugan on disability issues.

Irene McGugan: We held a meeting on Tuesday 7 March. The committee will remember that the Disabled Persons Housing Service gave evidence last week and the disability reporters group was remitted to draw up an action plan. We spent some time considering how to put that together. We hope to have a report that will include a list of questions for ministers. We also hope to give some consideration to and review the Building Standards and Procedure Amendment (Scotland) Regulations 1999, in particular the amendments to part T (Access and Facilities for Disabled People) of the Technical Standards for Compliance with the Building Standards (Scotland) Regulations 1990.

We will share that report with DPHS and the committee. Members might like to consider whether it would be appropriate to write to the minister with comments and questions or to invite her to come along and discuss the issues.

We are going to contact Capability Scotland in relation to the Disability Discrimination Act 1995. We hope that Capability Scotland will help us to prepare or source a briefing for MSPs on the impact of that legislation in Scotland.

We note that the National Disability Council is to meet the committee on 28 March. We will liaise with the conveners and the clerk about whether it would be relevant to put something on the agenda for that meeting about the Disability Rights Commission.

Finally, lip-reading was mentioned at a previous meeting. It should be noted that a motion on lip-reading has been lodged, the text of which I have printed on my paper for today's meeting. Members will have to decide whether they want to support the motion. However, that does not take away from the need to make progress on other issues to do with lip-reading.

The Convener: Thank you. Does anyone have any questions or comments?

Johann Lamont: I wondered about the Disability Discrimination Act 1995. We spoke before about the fact that ferries are exempt under the act, but school buses are too, which I thought was remarkable. It would be useful to get some more information about that.

The Convener: If that is everything, Johann Lamont will give her report on gender issues.

Johann Lamont: I have circulated a report, which should be self-explanatory, but I want to emphasise the importance of the work done in the

past by Engender. Engender will continue to do important work but, crucially, it will not do the gender audit. It is important to find out what the Scottish Executive's strategy will be in relation to the audit.

At some stage, it will be useful to hear about Engender's broader work. I want to draw particular attention, however, to the points raised about budget scrutiny. Engender reported that a women's budget group has been set up—Engender admitted that that was not a terribly user-friendly name. The idea is to scrutinise expenditure plans from the women's perspective.

Engender is keen to encourage the committees that will scrutinise budgets to take that kind of perspective when they start their work. Scrutiny of next year's budgets starts in the very near future. We have asked to take evidence from Engender on the whole question of budget scrutiny and other issues, but importantly, we should also write to the committees that will examine questions of finance, budgets and so on, either to suggest that they hear from the women's budget group or to make them aware that information is there and encourage them to seek it, even in written form, so that they are aware of those elements when they consider the budget. I hope that members will agree to write to the committees.

The final recommendation is that we pursue with the Executive the question of how it will deal with the gender audit and whether the Scottish Executive can offer any funding options for Engender's work.

The Convener: Thank you. Are there any questions or comments? If not, I should say that I spoke to someone from Engender last week and said that it was possible that we would have Engender along to talk in particular about the gender audit, which is the last that the organisation will produce. It might be useful to have someone from the Scottish Executive along at the same time to ask questions about how the audit will be dealt with by the Scottish Executive.

Johann Lamont: I should have mentioned—I think that it is in the report—that on 29 March Engender will facilitate a debate between the Equal Opportunities Commission and the Canadian High Commission, building on the work that has been done in Canada, on how budgets can be scrutinised from the women's perspective.

Unfortunately, I think that the committee meets that day, so I am not sure whether anybody from here will be able to go. There will be a briefing for MSPs at lunch time, but it may also be possible to organise an informal event in the Parliament at the end of the conference so that we can speak to people.

It is important for us to be proactive with the

other committees. We need to tell them that we expect them to have an equalities perspective when they scrutinise budgets—that is not just our job—and expect them to source the Engender information to get particular experience or expertise in relation to women's inequality.

The Convener: The lunch-time event is in my diary. I am quite happy to contact Engender to find out whether there is any possibility of organising something for later in the day.

Are there any other comments?

Malcolm Chisholm: There is perhaps a general question about how this committee will deal with the budget. All the other committees will have a timetable for dealing with the budget in April and May. We should give some thought to that so that we do not opt out of the process.

Martin Verity (Clerk Team Leader): All the committees, including the Equal Opportunities Committee, have been asked to consider the budget process. It has been suggested that the Equal Opportunities Committee should take a particular interest in how the subject committees handle the budget. This committee could develop an overall perspective, which it could ask the other committees to take on board.

12:15

The Convener: What is the timetable for dealing with the budget?

Martin Verity: We understand that the process will begin at the end of March. This committee and other committees will then have to fit in meetings on this over the same period. It might be appropriate for this committee to write formally to the other committees to ask them to take its perspective on board. The matter could also be raised at the conveners liaison group.

The Convener: If members leave that matter with me, I will try to report back at the next meeting.

Mr McMahon: There was a meeting last Tuesday morning with Positive Action in Housing. Two items on the agenda were the recent statistics on race crime from Strathclyde police, and the review of the Stephen Lawrence inquiry, one year on from the publication of its report.

The key point about the statistics, which I invited PAIH to the Parliament to discuss, is that the police claim that a 74 per cent increase in race crime is an indication of more confidence in the way in which the police are handling situations, but PAIH, I was not surprised to learn, is foremost among groups that view that increase differently. When crime rates fall, the police congratulates itself, and when crime rates increase it

congratulates itself again. PAIH looked at the disposal rates—the number of convictions and actions that are taken on those statistics—and found that there was no evidence that there had been any improvement. Although 170 racial incidents were reported to PAIH, there was no sign of increased confidence—that is particularly true in relation to racial harassment and action against tenants who were responsible for that harassment.

The statistics do not stack up in relation to the experience of the ethnic minority communities. PAIH asked us to examine a few issues. Given that Jim Wallace announced to this committee that there would be a review of the police complaints system, it is important that we should be proactive and invite him to discuss that review. I know that that review is due shortly, so we might time a meeting to coincide with it. At the same meeting we can ask Jim Wallace about the review of the Stephen Lawrence report. The information that I have received is that, although there were 70 recommendations, there is little or no evidence of any change being effected. There are a series of issues to discuss with Jim Wallace.

PAIH said that the Association of Chief Police Officers in Scotland had been considering the situation. A series of issues arise about how racism is tackled with the police. Just educating someone about the culture of a Muslim family does not help that family when the police batter down its door to make an arrest. The attitudes that the police bring to such situations are not changing. The number of candidates for the police force from ethnic minority groups who drop out has increased. It is important that we examine those issues. If we invited Jim Wallace and ACPOS along, we could address those issues, which are fundamental to what is happening in the community.

The other on-going issue is the way in which ethnic minorities are treated by the criminal justice system. Given that in the near future the Lord Advocate will be leaving to handle a case in another country, we should try to have him or representatives of the Law Society or Crown Office—preferably all of them—along as soon as possible. We need to examine what is happening in the system in general. I know that we cannot discuss the specifics of the Chhokhar case, but it raises some general issues. The committee should consider those with a view to highlighting the problems.

Mr McGrigor: I received an e-mail yesterday from Positive Action in Housing, which indicated how important it was that the census should include a question on language and called on the Equal Opportunities Committee to ensure that it was included.

The Convener: Everybody received that e-mail. I think that the organisation must be behind on what has been happening, as the contents of the census have already been agreed. When this committee is consulted about the form that a language question should take in the boosted household survey, we will be able to take on board the points that have been made to us. I read the e-mail just before I came to the meeting and will be responding. However, it is too late to have a language question included in the census.

Mr McGrigor: When the Commission for Racial Equality appeared before us to discuss the census, did they express support for the inclusion of a language question?

The Convener: The CRE would have preferred a language question to be included in the census but has accepted the fact that valuable information can still be gained through the boosted household survey, depending on what question is asked. We will want to consult Positive Action in Housing and the Commission for Racial Equality on the form of that question.

Tommy Sheridan: At the same time as the race issues sub-group was meeting, I and a couple of other MSPs, including Shona Robison, were at a seminar organised by the Scottish Gypsy Traveller Association. It was entitled "Striving for Equality" and took place at the City Chambers in Edinburgh. Following that seminar the Scottish Traveller Consortium, which is made up of Save the Children, the Scottish Human Rights Centre and the Scottish Gypsy Traveller Association, made a strenuous attempt to be allowed to make a presentation to the committee on what it perceives as a denial of the rights of the travelling and gypsy community across Scotland. It also wanted the committee to hear the arguments in favour of the gypsy and travelling community being considered as a specific ethnic group, which is a bone of contention within the travelling community itself.

I had hoped that we might agree to invite the consortium to give us a presentation on those issues. Some of the treatment that the travelling community is experiencing in different parts of Scotland is extremely worrying, and we need to get a handle on it.

The Convener: We have already said that travelling people would come within our race remit, and I know that the Commission for Racial Equality deals with the travelling community. We would like to invite the consortium to a future meeting, as soon as we are clear of the legislation that we have to deal with.

Mr John Munro (Ross, Skye and Inverness West) (LD): I support Tommy Sheridan's suggestion. However, there is disagreement within the travelling community between new age

travellers and traditional travellers. Is there unity between those two groups, or would we need to see them separately?

Tommy Sheridan: John Munro's point is accurate. The consortium is an attempt to establish a wide umbrella to speak for as many travellers and members of the gypsy community as possible. There will always be differences within that community and the consortium will be able to speak for the majority of them.

Mr McGrigor: I have been in touch with one representative of the travelling community and I told her to write to the Equal Opportunities Committee to ask whether she could give evidence.

The Convener: Thank you. I have not received that yet, but I have no doubt that I will.

Michael McMahon suggested that we invite Jim Wallace for an update of the review of the Stephen Lawrence report and, because much of the report referred to the police, that we invite APCOS as well. He suggested that we invite the Lord Advocate, so that we can consider the way that ethnic minority people are treated in the criminal justice system. The first thing I would want to do is to invite Jim Wallace and ACPOS along for a review of what is happening and to establish whether any of the committee's points from its report were taken on board. We have not really heard anything about that yet.

With regard to the criminal justice system, it might be better to wait until after the Chhokar trial to fully examine the issues. Given that the case is sub judice, we would be restricted in what we could discuss. We could discuss issues in general, but it would be more useful if we could discuss the matter in more detail afterwards. Perhaps we could do both.

Mr McMahon: The point has been made that we do not have to discuss what is happening in the trial. The signal has been sent out that this important case is not being handled particularly well. If we decide to look at the issue overall—and to wait until the Lord Advocate is available to do that—it might be appropriate for the committee to send a letter, highlighting the concerns that have been raised.

I am concerned that, because of the way that the procedure has been handled, this trial has been dragged out and that justice has been denied. It is not about the evidence or the outcome of the trial, but the fact that it was handled in this way—it has been transferred from city to city and has been held up, for people to come to consider it. That is not conducive to good justice.

The Convener: I have already spoken to the new Lord Advocate about it and I have arranged to

speak to him about it again on Thursday. As well as making private representations to the Lord Advocate about how things are progressing, if there is no public inquiry into the handling of the trial, the committee could conduct some form of inquiry. There is little that the committee can usefully discuss at the moment. It would be useful to make private representations to move the thing along.

Malcolm Chisholm: Obviously, we cannot discuss the Chhokar case, although I would accept that there ought to be a public inquiry about the handling of it, once the trial is over.

I am concerned that Aamer Anwar, who has co-ordinated the Chhokar Family Justice Campaign, has been excluded from Jim Wallace's steering group on the Macpherson report. My understanding is that that is related to his role in the Chhokar campaign. However, just as we can discuss the general issues without talking about matters that are sub judice, I am entirely sure that he—not least as a lawyer—is perfectly capable of doing the same. He would be an important person to have on that steering group and I am concerned that he has been excluded. I hope that the committee might be able to make representations on that.

Mr McMahon: As a committee, we should at least contact the Lord Advocate, to try to raise these issues.

The Convener: I shall speak to the Lord Advocate on Thursday, and would be happy to raise those issues on behalf of the committee.

Mr McMahon: That will be quicker than sending a letter.

The Convener: It will be quicker and, at this stage, more useful than inviting him to attend the committee. At some point—probably when the case is over—we will invite several people to attend the committee to talk about what has happened. I shall raise with the Lord Advocate the issue of the exclusion of Aamer Anwar.

Malcolm Chisholm: That issue is for Jim Wallace.

12:30

Mr McMahon: We must emphasise to the Lord Advocate the concern of the ethnic minority communities over the handling of this case and the lack of progress that has been made. The procedures that are being pursued are not conducive to encouraging the belief that ethnic minorities will be treated equitably in the eyes of the law. We must emphasise that that feeling is out there and make the Lord Advocate aware of it.

The Convener: We will timetable the invitation

to Jim Wallace as soon as possible. The final report is from Nora Radcliffe on sexual orientation issues.

Nora Radcliffe (Gordon) (LD): We had a meeting that was hosted by Outright Scotland and the Equality Network on 1 March. I do not have a minute of that, but when I get one I shall e-mail it to members, as I have done for previous meetings. It was a fairly informal meeting. Kate McLean and Shona Robison were there. Our recent preoccupation had been the wording in the Adults with Incapacity (Scotland) Bill. The Executive has now produced a form of words that, after informal consultation with those two organisations, seems to pass the equality test.

The group next wants to consider three issues. The first is the issue of provision for young lesbian, gay, bisexual and transgender people, and I have undertaken to investigate the youth organisations that exist for that group of youngsters.

Secondly, we will be considering what aspects of family law and Scots law might have to be changed to ensure that it is not discriminatory on grounds of sexual orientation. That is a massive task, but Professor Norrie of the University of Strathclyde is putting together a comprehensive list of what legislation will be involved. That will be another avenue of work for us.

The third issue that the LGBT community is beginning to become aware of and discuss concerns its feelings about the recognition of same-sex couples, whether it wants some form of formal, civic recognition, and what form that should take. That is another wide-ranging topic of discussion.

Those are the three avenues that we will pursue over the next few months. As usual, I shall e-mail committee members the date of the next group meeting. Everyone is welcome to attend.

The Convener: Thanks very much.

Correspondence

The Convener: Several leaflets from the Equal Opportunities Commission are all the correspondence that we have received. If anybody would like to look at those, they can contact Martin Verity, who will be able to provide them with copies.

We now move into private session.

12:34

Meeting continued in private until 12:38.

Members who would like a printed copy of the Official Report to be forwarded to them should give notice at the Document Supply Centre.

Members who would like a copy of the bound volume should also give notice at the Document Supply Centre.

No proofs of the *Official Report* can be supplied. Members who want to suggest corrections for the bound volume should mark them clearly in the daily edition, and send it to the Official Report, Parliamentary Headquarters, George IV Bridge, Edinburgh EH99 1SP. Suggested corrections in any other form cannot be accepted.

The deadline for corrections to this edition is:

Wednesday 22 March 2000

Members who want reprints of their speeches (within one month of the date of publication) may obtain request forms and further details from the Central Distribution Office, the Document Supply Centre or the Official Report.

PRICES AND SUBSCRIPTION RATES

DAILY EDITIONS

Single copies: £5

Annual subscriptions: £640

BOUND VOLUMES OF DEBATES are issued periodically during the session.

Single copies: £70

Standing orders will be accepted at the Document Supply Centre.

WHAT'S HAPPENING IN THE SCOTTISH PARLIAMENT, compiled by the Scottish Parliament Information Centre, contains details of past and forthcoming business and of the work of committees and gives general information on legislation and other parliamentary activity.

Single copies: £2.50

Special issue price: £5

Annual subscriptions: £82.50

WRITTEN ANSWERS TO PARLIAMENTARY QUESTIONS weekly compilation

Single copies: £2.50

Annual subscriptions: £80

Published in Edinburgh by The Stationery Office Limited and available from:

The Stationery Office Bookshop
71 Lothian Road
Edinburgh EH3 9AZ
0131 228 4181 Fax 0131 622 7017

The Stationery Office Bookshops at:
123 Kingsway, London WC2B 6PQ
Tel 0171 242 6393 Fax 0171 242 6394
68-69 Bull Street, Birmingham B4 6AD
Tel 0121 236 9696 Fax 0121 236 9699
33 Wine Street, Bristol BS1 2BQ
Tel 01179 264306 Fax 01179 294515
9-21 Princess Street, Manchester M60 8AS
Tel 0161 834 7201 Fax 0161 833 0634
16 Arthur Street, Belfast BT1 4GD
Tel 01232 238451 Fax 01232 235401
The Stationery Office Oriol Bookshop,
18-19 High Street, Cardiff CF12BZ
Tel 01222 395548 Fax 01222 384347

The Stationery Office Scottish Parliament Documentation
Helpline may be able to assist with additional information
on publications of or about the Scottish Parliament,
their availability and cost:

Telephone orders and inquiries
0870 606 5566

Fax orders
0870 606 5588

The Scottish Parliament Shop
George IV Bridge
EH99 1SP
Telephone orders 0131 348 5412

sp.info@scottish.parliament.uk

www.scottish.parliament.uk

Accredited Agents
(see Yellow Pages)

and through good booksellers