

PE1756/E

Petitioner submission of 14 January 2020

I have read through recent submissions to the above Petition. Generally all submissions agree that there are problems within the housing situation where domestic abuse is committed. Although the Government response does highlight legislation in place and research going forward, the main point from the submissions by Shelter Scotland, Association of Local Authority Chief Housing Officers and myself is that the time frame and procedures currently in place do not protect victims in the very short term. Furthermore from speaking to victims of such behaviour, many victims are traumatised, frightened of retaliation and are not aware of the legislation. In far too many cases victims are not even aware of the legislation that is in place to take advantage of it. Often Police Scotland are first to deal with such problems and even then many cases of domestic abuse are made by neighbours and/or other family member's. Current Data Protection legislation is often cited by Police Officers as a reason not to intervene. In some cases police officers question why the victim has not made the complaint themselves.

All three submissions do highlight problems with the regulations in relation to the different status of the house occupier i.e. rented, leased and/or joint occupancy/ownership. I am pleased that there has been some action by Government. However, one of the major problems with consultation on such sensitive subjects often excludes the victims. Victims are rarely aware of such consultations and even if they are, they feel unprotected should they speak out about the abusers and their own experiences. Mention is made of criminal acts by abusers. Currently the Law of Scotland requires corroboration to proceed with criminal cases. In domestic abuse, corroboration is very often hard to get in domestic abuse cases. Therefore the level of evidence required may need to be refined. Currently Police Scotland have the powers to force entry to a house when a report of domestic abuse is made by a witness not within the premises. Often in such cases the only true witnesses are the victim and the abuser. It is not unusual for both to be apprehended and a further decision as to what action may or should be made is left to the Procurator Fiscal. In many cases the Procurator Fiscals release both parties after a night or days in custody with no further action being taken, returning both the victim and abuser back into the same relationship.