

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

Wednesday 31 May 2017, 12.30 – 14.00, Scottish Parliament, Room T4.40 – CR1

1) Present

- Christina McKelvie MSP (Chair)
- John Finnie MSP
- Ashleigh Hannon Christina McKelvie Intern
- Marsha Scott SWA
- Brenna Jessie SWA
- Louise Johnson SWA
- Anne Marie Docherty SWA (minutes)
- Emma Plant Zero Tolerance
- Vikki Kerr Caledonian Edinburgh
- Lily Greenan
- Davy Thompson White Ribbon Scotland
- Linda Thompson Women's Support Project
- Kallia Manossaki University of West of Scotland

Invited Guests

- Michael Matheson Cabinet Secretary for Justice
- Ria Phillips Violence Against Women,,Criminal Justice
Division, Scottish Government
- Patrick Down Criminal Law & Practice Unit, Scottish Government

2) Apologies

- Catriona Kirkpatrick Engender
- Rachel Adamson Zero Tolerance
- George Eckton
- Isobel Hart University of Edinburgh
- Ann Hayne NHS Lanarkshire, EVA Project
- Johan Lamont MSP
- Nancy Lombard Glasgow Caledonian University
- Stephen Madill City of Edinburgh council – Safer Families
- Melanie McCarry University of Strathclyde
- Sandy Brindley Rape Crisis Scotland

3) Approval of Minutes

The minutes of the CPG meeting of 28 February 2017 were accepted as a true record. There were no matters arising.

4) Discussion Session with the Cabinet Secretary for Justice

Michael Matheson, Cabinet Secretary for Justice provided updates and answered questions on the following:

- **Abusive Behaviour and Sexual Harm (Scotland) Act 2016**

All, bar two sections of the Bill, were implemented on 1 April 2017. The outstanding sections awaiting commencement are:

- A. The two sets of Sexual Abuse Prevention Orders due to a delay in agreeing the mutual recognition of jurisdiction between Scotland and England/Wales in enforcing these orders, as a result of the general election. Discussions will resume after the election.
- B. Non-Consensual Sharing of Intimate Images provision. Enforcement date is 3 July 2017.

ACTION- Feedback from CPG members and partner groups to the Cabinet Secretary on the operation of the jury directions provisions in the Act would be welcomed.

- **Implementation of the Istanbul Convention**

Scotland is broadly compliant with the Istanbul Convention.

Domestic Abuse (Scotland) Bill

Istanbul compliance in terms of the extra territorial provisions within the Bill is the exception- ensuring that the Bill's provisions will cover situations where the abuse takes place both in and outwith Scotland but the course of behaviour of abuse outwith Scotland could be taken into account by the court in Scotland. The SGov policy and legal officials are looking at this also in relation to compliance with the Istanbul Convention

- **Forensic Medical Examinations (FME)**

The group's main question was around a local model or an extension of SARCs. The Cabinet Secretary agreed that current provision is not up to standard and that Health Boards need to take control of this agenda and deliver the necessary services combining the importance of evidence gathering and sensitivity in meeting women's needs in the Forensic Medical Examination ("FME") process. Healthcare Improvement Scotland is looking at national standards. The Cabinet Secretary for Justice will lead on this recognising that there is a crossover with the Cabinet Secretary for Health. The new standards for FMEs will be explicit and clear on the duties incumbent on Health Boards to improve on the existing situation where they are interpreting the current standards as the minimum required level of response provision

It is recognised that the SARC model won't work so well in Scotland due to the geographical challenges. A Task Force has been set up to look at the different themes and models including the SARC. Provision will use a trauma informed model that meets the needs of women, evidence gathering requirements and local circumstances. The model needs to be sustainable so will also consider workforce planning and the barriers to recruiting female doctors into the forensic medical service. NHS Education Scotland will be looking at education of the medical workforce to attract women practitioners into this work. It is acknowledged that GP shortage is a relevant factor but in some remote areas the ratio of GP: patients is better than elsewhere in the UK so other barriers such as limited FME clinical experience and patient confidentiality around carrying out intimate examinations of someone known to the medical professional also needs to be considered.

The criminal justice requirements will feed into the solutions. For example, the Lord Advocate instructs the COPFS Guidelines which determine the standards of evidence gathering and who can carry that out currently specified only as doctors. Evidential quality must be tight but it is clear we need a larger pool of practitioners to spread the burden and Nurse Practitioners could possibly be part of that.

The Cabinet Secretary was very clear that the system needs to "move round the woman" and not the opposite. The principles are more important than the particular model. We can utilise elements of good practice in SARCs and other models and keep an open mind. It is possible that the physical facility used for FME could also "double up" and be adapted to capture the evidence of child and vulnerable witnesses.

- **Women with no recourse to public funds ("NRPF")**

The Cabinet Secretary was asked what the government is doing around delivering support to victims of violence regardless of immigration status (as laid out in the EU Directive on the Rights of Victims. Mr. Matheson commented that the government still was committed to supporting all victims but could not find a way around the restrictions imposed by Westminster's reserved powers over benefits. Officials have looked at this in detail and have not been able to identify solutions. Suggestions from partner groups on the committee would be welcome. Marsha Scott pointed out that the groups don't have the legal expertise to know what is not possible and what may have already been ruled out.

Christina McKelvie commented that immigration specialists had identified actions to the Scottish Parliament's Equality and Human Rights Committee last week and suggested that she meet with interested CPG members to identify possible steps by the Scottish Government.

ACTION- C McKelvie and M Scott to meet to identify actions for discussion at next CPG meeting.

- **Justice Review into Prostitution**

Linda Thompson raised the need for consistency around all violence against women including prostitution. The Cabinet Secretary updated that Annabel Ewing (Minister for Community Safety) will be taking this forward and officials are engaging with stakeholders to review the two recently published ¹research reports. Events will be held over the summer in June and July with different stakeholders and then a decision will be made on the approach to take. Linda Thompson commented that the decision, given the lack of a definitive model in the evidence base, meant that what was required from the government was a political decision. The Cabinet Secretary agreed that it was ultimately a political decision and added that it should still be based on evidence and good research.

5) **Shared Parenting**

It was agreed that the recent motion lodged in parliament by John Mason on “parental alienation” and shared parenting did not present an adequate representation of the use of parental alienation as tool to reabuse women and children experiencing domestic abuse, especially in the context of visitation and contact. It was agreed that the CPG would send a letter with background information to all who signed the motion. The letter will aim to offer support and further information to MSPs who are likely to be well intentioned but nevertheless ill-informed about the harmful way this “syndrome” is being used. John Finnie MSP suggested that it was possible to submit an amendment/s to that Motion as another option.

ACTION -SWA to draft letter and share with group.

6) **Power Up/Power Down**

Marsha highlighted the participation and engagement with children and young people on this project, run jointly between the Children and Young People’s Commissioner Scotland (CCYPS) and SWA. The project examined issues around the lack of input and influence of children and young people’s views during court ordered contact proceedings. Children’s direct experiences were gathered during the project and they were asked to rewrite a story about court-ordered contact to indicate what they think should happen. Five films and a booklet have been produced and these are available on the CYPCS website². The First Minister has agreed to meet some of the children who have taken part.

ACTION- Meeting agreed to extend the next scheduled CPG meeting by 1 hour in order to view these films. SWA to liaise with Sean.

¹ <https://beta.gov.scot/publications/exploring-available-knowledge-evidence-prostitution-scotland-via-practitioner-based-interviews/pages/20/>

² <https://www.cypcs.org.uk/policy/domestic-abuse/power-uppower-down>

7) Members' Updates

The members present gave brief updates on their current activities. The main points covered were:

White Ribbon Scotland

A review of their campaign is underway to look at different activities and links with public bodies. The Board are in favour of increasing grassroots involvement to get more men involved. This should in turn lead to better interaction with public bodies via increased volunteers.

Women's Support Project

The Inside/Outside project comprises of women who have been or who are involved in the sex industry and informs about the realities of the industry. It was taken to the SNP party conference and to a public event in Dundee. It is now going on tour for two weeks, which will include Dundee and Strathclyde Universities and Stirling and Inverness later in the year. The project has incorporated the voices and artwork of women in Cornton Vale prison. WSP are finding that more women are coming forward. The WSP have also been working with the Violence Against Women Network and the Improvement Service to prepare joint statements on sexual exploitation.

Lilly Greenan

Lilly is a freelance researcher currently undertaking a project with the Glasgow Violence Against Women Partnership on two areas. One is looking at what data is collected by different agencies and a smaller project is looking at on-street prostitution in the city, with a particular focus on on-line advertising and what is available in the public domain on sites, including the issue of men looking for sexual services, particularly those involving younger girls .

Christina McKelvie mentioned the Woman's Destitution Project situated in Govan also looking at street prostitution as a possible contact for Lily. She also stated that the Equality and Human Rights Committee want to look at the issue of "age assessment" of unaccompanied young asylum seekers, inappropriate designation as adults and exploitation of these young people.

Scottish Women's Aid

Following the progress of the Domestic Abuse (Scotland) Bill, SWA supported women survivors of domestic abuse to give oral evidence to the Justice Committee, as did Shakti Women's Aid. Both organisations will shortly be giving their own oral evidence to the Committee. Objections have been raised by members of the legal profession to the effect that the Bill is not necessary and needs a "serious harm" threshold as part of the statutory test. No political objections have been raised to date. John Finnie is a member of the Justice Committee and he highlighted how helpful it was hearing the evidence from the three women supported by SWA.

Zero Tolerance

Experiencing funding limbo until after the election like many others. Involved in an Inter-generational feminist roundtable event being held at Glasgow Women's Library on 29 June and are planning a Primary Prevention conference for the autumn. Working with Care Inspectorate on sector-wide guidance to promote gender equality in early years provision. Refreshing "Handle with Care" publication promoting responsible media reporting of violence against women with new sections on online VAW, sexual harassment, intersectional VAW, coercive control & so-called 'Honour' violence.

Caledonian Edinburgh and Safer families (Edinburgh Council) / Respekt

They are looking at the re-accreditation of the Caledonian Programme. Currently CEC is undergoing a redesign of domestic abuse services. A Working Group is looking at services for young people including a crossover with looked after CYP as the statutory age for services can go up to 26.

Kallia Manousakki

Kallia is a psychologist from University of West of Scotland. She is taking part in a Sexual Violence Prevention conference on 15 September with local Women's Aid and Rape Crisis groups. A formal request for Kallia to join the CPG will be forthcoming.

8) Date of Next Meeting

Tuesday 19 September, 12.30-14.00 which will also be the CPG's AGM. The meeting will be extended from 14.00-15.00 for a showing of the "Power-Up/Power Down" videos

9) AOB

No points were raised under AOB.