Justice Committee

Domestic Abuse (Scotland) Bill

Written submission from the Church and Society Council of the Church of Scotland, the Ministries Council of the Church of Scotland and the Church of Scotland Guild.¹

The Church of Scotland has demonstrated for more than 10 years that it is committed to working in partnership with the statutory and voluntary sectors to provide support for those who experience domestic abuse and also to put preventative measures in place so that the problem decreases for this and future generations. In 1997 the Church stated:

“Abuse is always wrong. There are no mitigating circumstances, no acceptable explanations.”²

This commitment stems from the distinctive Gospel commitment to care for those who are marginalised and victimised, who feel lost or abandoned. The comments made here come from within the church’s structures and have significance for this consultation because the Church of Scotland:

- Represents a nationwide (Scotland) network of local and regional services.
- Has practical experience of providing frontline and critical response service to those who experience domestic abuse.
- Has within its membership many people who have been involved in the various consortia which have emerged as partnerships working for the eradication of violence against women.
- Has repeated support year on year from different constituent bodies within the church structures.
- Through the Guild has been involved in raising funds and awareness on a range of issues in relation to violence against women.

There are four main comments we would like to make about the Bill:

1. We are encouraged that there is cross-party commitment to addressing this issue and would want to highlight that, with regard to domestic abuse, it is important that this remains a cross-party commitment not subject to party political changes or trends. The needs of women and children affected by domestic abuse are for consistency and persistence in the face of potentially life and death circumstances. We support the provisions proposed in this Bill.

2. Even though there may be differences between the parties in relation to access to legal aid, it is important that parties are reminded of the common ground to reduce and eventually eradicate domestic abuse and to improve the safety of women and children. Access to legal aid has been one of the ways in which women have been able to secure protection for themselves. This is of particular importance at a time

¹ Councils and component elements of The Church of Scotland, Scottish Charity No SC011353
² Quoted in the Church and Nation Report to the General Assembly of the Church of Scotland in 2003
when many of the assets which would give a woman resources to access legal assistance may be at least temporarily beyond her reach. She may have to take time off work; access to accounts/funds may be under dispute; it is likely she will be functioning from a location which is not her home. Added to the fact that she may be in a state of trauma, finding the means to be able to access legal assistance to ensure her safety (and maybe that of others) is of paramount importance. For these reasons we support the removal of means testing for legal aid as proposed in this Bill.

3. The Bill is focused on the enactment of Non-Harassment Orders primarily for the benefit of women who are experiencing threat, but it must be remembered that this is as much about the children as it is about the women. Women are very often taking action to protect their children and this may in fact have been the prompt for finding the strength to leave an abusive situation in the first place. So, whilst the person who may make use of an NHO is an adult, it has direct significance for any children involved in the situation.

4. Identifying how effective preventative strategies can be developed is sometimes quite difficult. This Bill, however, carries an important element within it which is of a preventative nature. The process of a woman (and children where applicable) leaving an abusive domestic situation is a stage at which a woman’s safety is most critical. Any methods which improve the protection for her during this stage are to be welcomed. Equally, and as a consequence, an escalation in violence can be prevented. For this reason, it is our view that the Bill is significant in terms of putting both provision and prevention measures in place.

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On behalf of the Church and Society Council of the Church of Scotland
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