



Briefing on ...

Proposed Civil Protection Orders and Access to Justice (Scotland) Bill

Ask MSPs to back the Proposed Civil Protection Orders & Access to Justice (Scotland) Bill

Introduction

On March 11 2010, Rhoda Grant MSP lodged the Final Proposal for her Civil Protection Orders and Access to Justice (Scotland) Bill.

This briefing explains the aims of the proposed Bill and requests that branches contact MSPs urgently, asking them to support it.

Background

The proposed Bill aims to improve protection and access to justice for victims of domestic violence.

A recent evaluation of civil protection orders found a number of problems, including a failure to provide a robust response to breached orders.

Protection is needed for victims of domestic abuse during a relationship and, often, after it has ended. In fact, one of the most dangerous times for a woman is when she decides to leave a violent partner.

UNISON Scotland has long supported strong and effective legal protections for those who experience domestic violence, within an overall policy framework that recognises the gendered context of these

crimes. There should be zero tolerance of domestic violence and properly resourced services for those experiencing abuse.

More than 85% of incidents recorded by police involve a female victim and male perpetrator. This fact must inform the shaping of policy and legislation. However, anyone can be a victim – regardless of gender, culture, age, ethnic origin, disability or sexual orientation. All those affected deserve equal treatment and protection under the law.

UNISON's Scottish Women's Committee and the Lesbian, Gay, Bisexual and Transgender Committee fully back the proposed Bill.

What the Bill would do

The Bill aims to increase access to justice for domestic abuse victims and to improve the ability of civil protection orders to deter perpetrators by providing more robust and effective responses to breaches of civil interdicts. It amends legislation on civil protection orders and legal aid and introduces a new criminal offence.

It would:

- Remove the requirement to show a course of conduct before a non-harassment order could be granted by either the civil or criminal court, requiring only one

incident of harassing behaviour. (this would be removed from the Bill if an amendment to this effect to the Criminal Justice and Licensing (Scotland) Bill is passed.)

- Make legal aid free to all for an application to a civil court for an interdict with a power of arrest, or a non-harassment order, where domestic abuse is involved.
- Make it a criminal offence to breach an interdict with a power of arrest.

Rhoda Grant said that the legal aid change would mean that victims no longer have to pay for their own protection.

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Overwhelming support

The overwhelming majority of consultation responses demonstrated strong support for the proposed legislation. Scottish Women's Aid is a key supporter. Children 1st highlighted the benefits for children of victims of domestic abuse and the Association of Chief Police Officers in Scotland said that making it easier to obtain a non harassment order would empower police to come forward earlier and protect the victim.

Action for branches

Branches are asked to encourage members to write urgently to their constituency MSP and their seven regional MSPs asking them to support the proposed Bill.

You can find out who these are at: www.scottish.parliament.uk/apps2/msp/msphome/default.aspx by typing in your postcode. Email addresses and full contact information are there. If writing by post, address the letters to them at: The Scottish Parliament, Edinburgh EH99 1SP.

A draft letter is below in case it is helpful to use or adapt as suits you. It includes a link to our full response, if you wish to add further details to the letter. (The original consultation on the proposal is at www.scottish.parliament.uk/s3/bills/MembersBills/documents/RhodaGrantConsultationFINALVERSION.pdf)

Dear

Please support the proposed Civil Protection Orders and Access to Justice (Scotland) Bill

I am writing to ask you to please support Rhoda Grant's proposed Civil Protection Orders and Access to Justice (Scotland) Bill. The final proposal for this was lodged on 11 March.

This Bill could make a major difference to women's lives in offering greater legal protections and access to justice for victims of domestic violence. It is supported by Scottish Women's Aid. I hope it will receive cross party support.

As a member of UNISON, I am pleased that my union is backing the Bill. It also has the overwhelming support of our Scottish Women's Committee and Lesbian, Gay, Bisexual and Transgender Committee. You can see the full UNISON consultation response at www.unison-scotland.org.uk/response/CivilProtectionordersresponsepdf

It is good that an overwhelming majority of responses to Rhoda Grant's consultation approved of the Bill. I note in particular support from Children 1st, highlighting the benefits this would offer children of victims of domestic abuse, and the fact that the Association of Chief Police Officers in Scotland said that making it easier to obtain a non harassment order would empower the police to come forward earlier and protect the victim

Please could you also encourage your colleagues to back this important proposed Bill.

Thanks very much.

Yours sincerely,

A number of MSPs have already supported the Bill. You can find out if yours have by checking the most recent Business Bulletin shown at: www.scottish.parliament.uk/business/businessBulletin/index.htm Scroll to Section G and Rhoda Grant's Bill under Final Proposal for Members' Bills heading.

If yours have signed, you can replace the second paragraph of the draft letter with:

I am writing to say I was pleased to see you have supported Rhoda Grant's proposed Civil Protection Orders and Access to Justice (Scotland) Bill.

Hopefully your letter will encourage them to get colleagues to back the Bill.

For further information, contact Fiona Montgomery in the Policy & Information Team. f.montgomery@unison.co.uk

