

Re-connecting women's and children's human rights: Exciting developments in policy, practice, and participation in Scotland

Dr. Marsha Scott
Scottish Women's Aid
www.womensaid.scot



Starting with our landscape

The policy landscape in Scotland has shifted profoundly as a consequence of Scotland's journey to its new law criminalising coercive control. The salience of gender, the influence and expertise of survivors and advocates, and early moves to reflect children's human rights in the State's response to domestic abuse are milestones delivered by the development, debate, and discourse surrounding the Act.

The development and passage of the new law offers a template for progressive domestic abuse policy specifically and violence against women more generally.



Scotland's causal story

- » Women's inequality is the cause and consequence of violence against women [inc domestic abuse]
- » *Equally Safe* (VAWG strategy, 2014), gendered
 - Scottish society embraces equality and mutual respect, and rejects all forms of violence against women and girls
 - **Women and girls thrive as equal citizens – socially, culturally, economically and politically...**
 - **Men desist from all forms of violence against women and girls, and perpetrators of such violence receive a robust and effective response**



Our causal story in policy and practice

Although our story was that women's inequality is the cause of domestic abuse, and that violence against women is a human rights violation, the relationship was *underconceptualised*.

- » **Poverty** (How do unpaid and low-paid, low-status work; breadwinner economic models; etc frame/enable domestic abuse?)
- » **Housing/homelessness** (Why does she have to move?)
- » **Power in public life** (Women and children denied participation in decisions that affect us in local and national politics, policing, courts, etc)



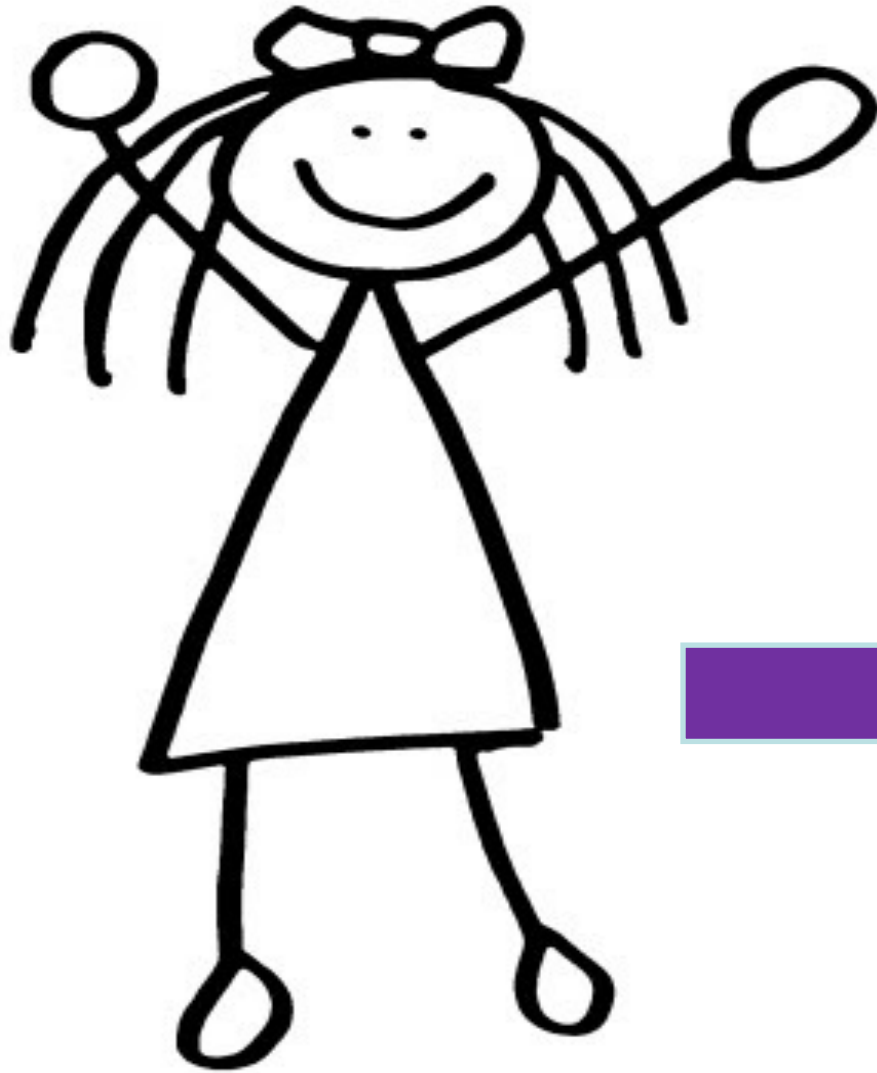
The dynamics of inequality and domestic abuse

Human Rights = space for action

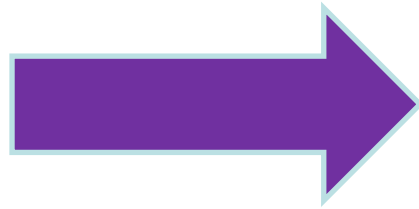


Structural inequality = *Constraints on children's and women's spaces and spheres for action; poverty of power, income, safety*

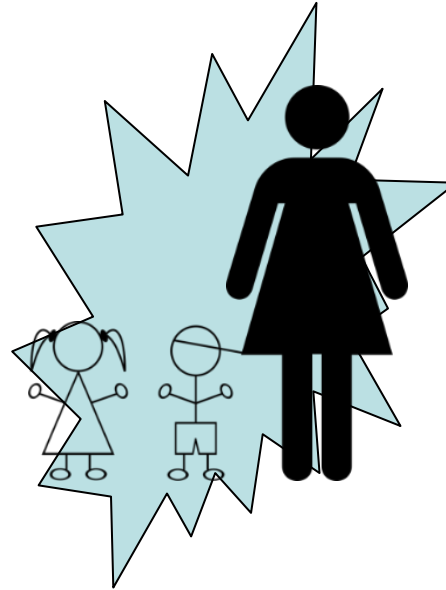
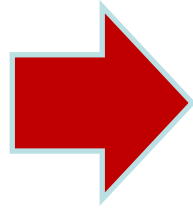
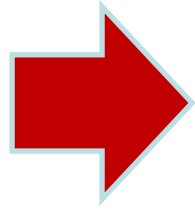
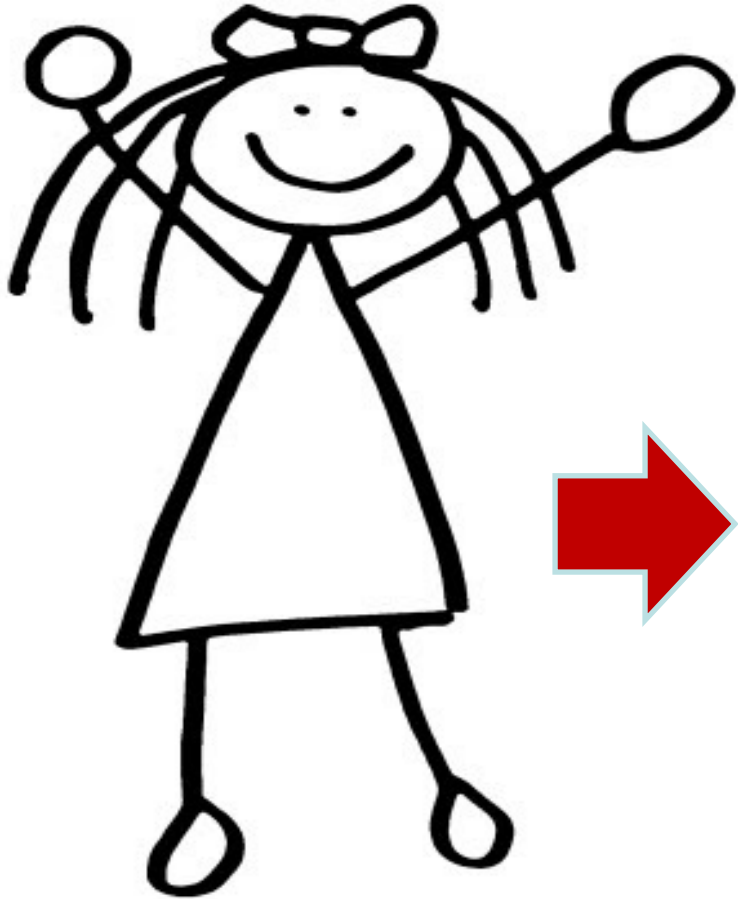




**Reality for ALL
women and children
(and some men):
*Constrained space for
action.***



Already constrained space for action. Then add domestic abuse.



Safe place to live?
Food on the table?
Lawyer? Protection
order? Get to job? Child
care? Get deported?
Leave everything
behind? Bring the dog?



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Why coercive control?

- » Dislodge primacy of physical assault and the hierarchy of harms, new primacy of control control control
- » Challenged domestic abuse as an incident and the assumption that separation = safety
- » REVEALED THE DYNAMICS OF GENDER AND LINKS TO INDICATORS OF WOMEN'S INEQUALITY
- » Answered once and for all the question, "Why doesn't she just leave?"



Development of the law: “Unprecedented engagement”

- » Women’s sector as key stakeholders: COPFS convened early meeting with SWA, RCS, PS to strategise
- » Extensive negotiation over text in Bill at each stage—informal and formal
- » Focus groups of children and women and support workers reviewed language and fed into drafting by Bill team; survivors gave evidence to Justice Committee in Parliament
- » Huge and demonstrable impact on language



Creating the gold standard from women's and children's words

Survivors told us:

"He takes my pay and makes me ask for money to buy food."

"He tells me I have to answer the phone in 3 rings and I have to text when and where I'm going. He checks the mileage on the car."

"He checks my pants when I come home at night."

"He threatened to kill our dog if I didn't do what he said."

Language in the Bill:

- (a) making B dependent on, or subordinate to, A,
- (b) isolating B from friends, relatives or other sources of support,
- (c) controlling, regulating or monitoring B's day-to-day activities,
- (d) depriving B of, or restricting B's, freedom of action,
- (e) frightening, humiliating, degrading or punishing B.

Pets in 3 places in law.



YOU'RE USELESS

YOU'RE UGLY

YOU'LL DO WHAT YOU'RE
TOLD .. OR ELSE

YOU'RE STUPID

YOU'RE LAZY

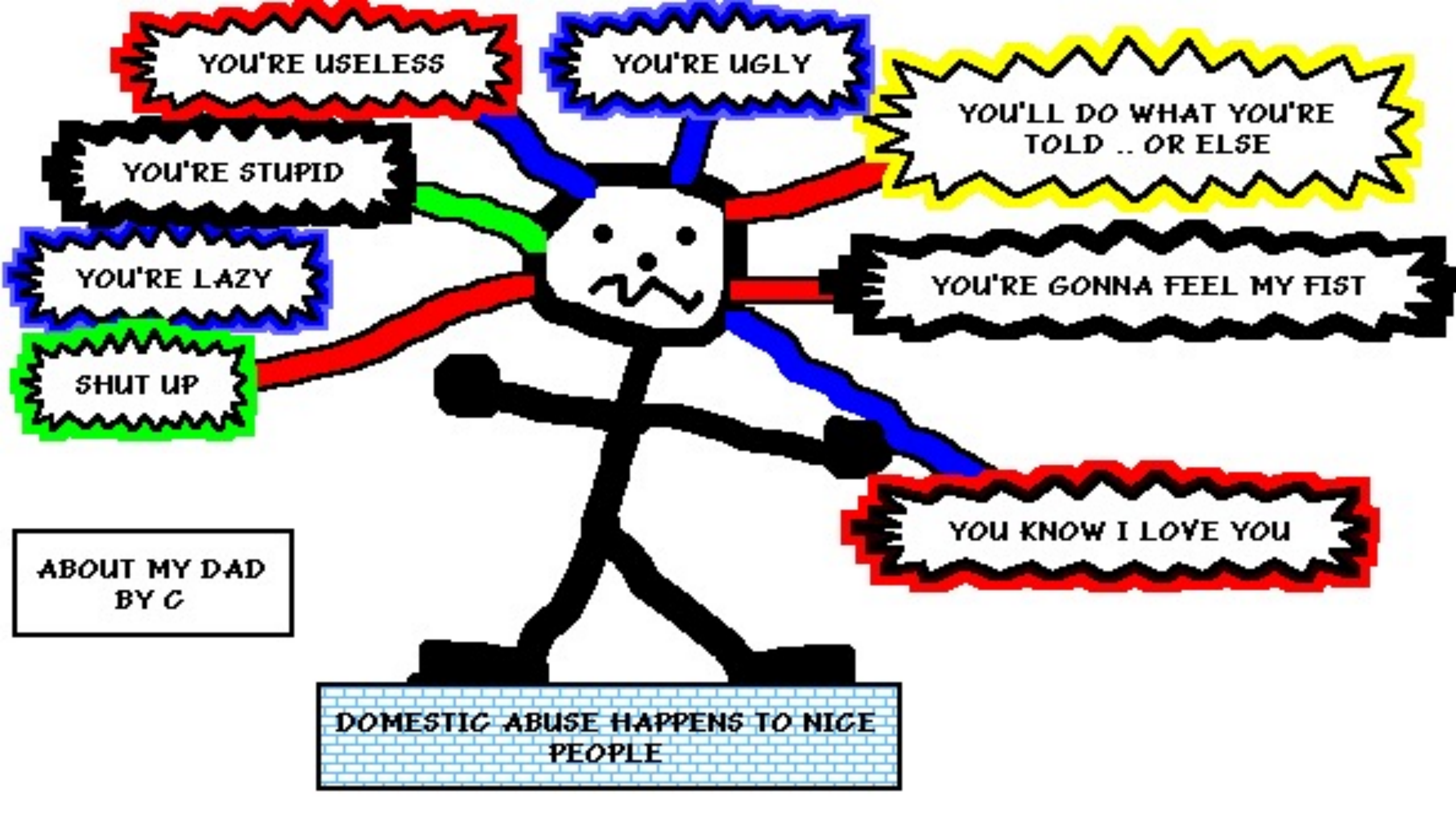
YOU'RE GONNA FEEL MY FIST

SHUT UP


YOU KNOW I LOVE YOU

ABOUT MY DAD
BY C

DOMESTIC ABUSE HAPPENS TO NICE
PEOPLE



Do children have a right to leave/end abusive relationships?

- » Domestic abuse is 24/7, ongoing
- » Micro-management of everyday life
- » Separation  safety; revictimisation highly probable
- » Abuse continues after separation, especially through custody and visitation arrangements in civil proceedings



Children's experiences of policing/RA

- Not being spoken to
- Not recognising impact of DA on children – focus on physical violence/injury rather than emotional/psychological harm
- Status as 'witness' eclipses their needs as victim
- The 'responsibility' of other professionals
- Concerns not taken seriously
- Excluded from participation

(Devaney et al. 2018)



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“When people don’t listen to me it feels like they think you aren’t a person, you’re not good enough. It’s even worse when that person is in power. It’s like I’m nothing.... Makes me think that everything that has happened is my fault.” (Everyday Heroes)



Children and mothers in context of domestic abuse: the missing piece in the gender story

- » Children's human rights, like their mothers', cannot be realised in a patriarchal system
- » Children treated as "property" in our systems (child contact)
- » Mothers treated as servants of the patriarchal family



Children's and women's human rights orgs

Freedom is not a zero-sum game; children's and women's rights are inextricable.

- » History of women's rights sector (see Htun & Weldon 2013)
- » Crafted a shared policy agenda, incorporation into Scots law
 - UN Convention on Rights of Child
 - Convention to end discrimination against women CEDAW
 - Istanbul Convention on Violence against Women



Children's & women's lives are woven together

- » Successful policy advocacy and campaigns require a shared lens.
- » Joint children's rights and women's rights campaigns are powerful and creative.



Thank you!

More info:

- » www.womensaid.scot
- » Marsha.Scott@womensaid.scot

