

Proposed Stalking Protection (Scotland) Bill

Introduction

A proposal for a Bill to increase protection of victims of stalking by giving police the power to apply for stalking protection orders on behalf of victims. The consultation runs from 29 April 2019 to 21 July 2019. All those wishing to respond to the consultation are strongly encouraged to enter their responses electronically through this survey. This makes collation of responses much simpler and quicker. However, the option also exists of sending in a separate response (in hard copy or by other electronic means such as e-mail), and details of how to do so are included in the member's consultation document. Questions marked with an asterisk (*) require an answer. All responses must include a name and contact details. Names will only be published if you give us permission, and contact details are never published – but we may use them to contact you if there is a query about your response. If you do not include a name and/or contact details, we may have to disregard your response. Please note that you must complete the survey in order for your response to be accepted. If you don't wish to complete the survey in a single session, you can choose "Save and Continue later" at any point. Whilst you have the option to skip particular questions, you must continue to the end of the survey and press "Submit" to have your response fully recorded. Please ensure you have read the consultation document before responding to any of the questions that follow. In particular, you should read the information contained in the document about how your response will be handled. The consultation document is available here: [Consultation document](#) [Privacy Notice](#)

I confirm that I have read and understood the Privacy Notice attached to this consultation which explains how my personal data will be used

About you

Please choose whether you are responding as an individual or on behalf of an organisation. Note: If you choose "individual" and consent to have the response published, it will appear under your own name. If you choose "on behalf of an organisation" and consent to have the response published, it will be published under the organisation's name.

on behalf of an organisation

Which of the following best describes you? (If you are a professional or academic, but not in a subject relevant to the consultation, please choose "Member of the public".)

No Response

Please select the category which best describes your organisation

Third sector (charitable, campaigning, social enterprise, voluntary, non-profit)

Optional: You may wish to explain briefly what the organisation does, its experience and expertise in the subject-matter of the consultation, and how the view expressed in the response was arrived at (e.g. whether it is the view of particular office-holders or has been approved by the membership as a whole).

The Scottish Women's Convention (SWC) is funded to engage with women throughout Scotland in order that their views might influence public policy. The SWC uses the views of women to respond to a variety of Parliamentary, Governmental and organisational consultation papers at both a Scottish and UK level. The

Please select the category which best describes your organisation

Scottish Women's Convention engages with women using numerous communication channels including Roadshow events, Thematic Conferences and regional contact groups. This submission provides the views of women and reflects their opinions and experiences in a number of key areas relevant to the issues around women's rights.

Please choose one of the following:

I am content for this response to be published and attributed to me or my organisation

Please provide your name or the name of your organisation. (Note: the name will not be published if you have asked for the response to be anonymous or "not for publication". Otherwise this is the name that will be published with your response).

Scottish Women's Convention

Please provide details of a way in which we can contact you if there are queries regarding your response. Email is preferred but you can also provide a postal address or phone number. We will not publish these details.

Aim and approach

Q1. Which of the following best expresses your view of increasing protections for victims of stalking by giving police the power to apply for Stalking Protection Orders on behalf of victims?

Fully supportive

Please explain the reasons for your response, including any advantages and/or disadvantages of the proposed Bill.

Increasing protection by establishing specific protection orders for stalking is seen as not only a beneficial way of expediting some form of protection but also places it within a legal framework that allows women to feel their case is being taken seriously by the police with an early intervention approach. Any increase in measures which seek to protect victims and give some form of redress in an early interventionist manner can be viewed as a constructive way forward. Acting as an intermediary to criminal cases whilst investigations are ongoing provides some way forward in addressing systematic exploitation of women and their rights. Given that breach of the proposed Orders would be in itself a criminal offence this can be seen as a major step forward in terms of the resolutions taken for victims. Stalking not only limits a woman's agency and dictates another realm of gender inequality but also can be contextualised within other forms of VAWG. In addition to this, it also means that women are prevented from carrying out their full economic, social and political potential leading to a further confrontation of exacerbated gender inequality. At present, it is often felt within the current framework that the lengthy and costly procedure within which a Non-Harassment Order can be brought gives little weight to the sheer burden victims are placed under, leading them to undue stress with severe implications for mental health. With ongoing cuts to the legal aid system, pursuing civil NHO's has always been difficult in the pursuit of justice with the weight of balance shifted against women on limited incomes, meaning once again that those at the lower end of the income scale are further at a disadvantage.

Q2. Which of the following best expresses your view of limiting Stalking Protection Orders to a maximum duration of two years, with the possibility of renewal by the court?

Unsure

Q3. Which of the following best expresses your view of making the breach of a Stalking Protection Order a criminal offence, with a maximum sentence of up to 6 months imprisonment and/or a fine on summary conviction, and up to 5 years imprisonment and/or a fine for conviction on indictment?

No Response

Q4. Which of the following best expresses your view of allowing a Stalking Protection Order to be made against a child (i.e. under the age of 16 and above the age of criminal responsibility in Scotland)?

No Response

Financial implications

Q5. Taking account of both costs and potential savings, what financial impact would you expect the proposed Bill to have on:

	Significant increase in cost	Some increase in cost	Broadly cost-neutral	Some reduction in cost	Significant reduction in cost	Unsure
(a) Government and the public sector, including the police and courts		X				
(b) Businesses			X			
(c) Individuals					X	

Please explain the reasons for your response.

(a) Government and the public sector, including the police and courts Whilst additional monetary costs may be placed on the likes of the police and courts, this is thought to be balanced by the social and gender implications contained within the Proposed Bill as an advancement of victim's rights. It must be made clear that the proposed SPO's, however, do not undermine or replace criminal convictions but is in fact there to help proceedings through greater protection of the victim. (c) Individuals A further caveat is the sheer stress placed at present on women for whom income inequality remains a pervasive problem. Given that women at the lower end of the income scale do not have the means to afford the likes of civil orders such as NHO's at present, the proposals here are seen as a significant step forward.

Equalities

Q6. What overall impact is the proposed Bill likely to have on equality, taking account of the following protected characteristics (under the Equality Act 2010): age, disability, gender re-assignment, maternity and pregnancy, marriage and civil partnership, race, religion or belief, sex, sexual orientation?

Positive

Please explain the reasons for your response.

Given the complexity of cases related to stalking and harassment in terms of prosecution due to the manipulative and often cryptic nature in the manner within which a perpetrator may target a victim, structuring a body of legislation which will allow protective orders in place from the offset is seen as a rational method of providing one way forward. It is also beneficial to absolve women of the stressful and often traumatic process they may go through when applying for such a proceeding on their own.

Q7. In what ways could any negative impact of the Bill on equality be minimised or avoided?

No Response

Sustainability

Q8. Do you consider that the proposed Bill can be delivered sustainably, i.e. without having likely future disproportionate economic, social and/or environmental impacts?

No Response

General

Q9. Do you have any other comments or suggestions on the proposal?

Further comments which arose from women:

- Many women may feel a lack of confidence in the police system leading to under reporting and a fear that police may not apply for an SPO. It is hoped training would be put in place for both police and court services to deal with this.
- Worries that victim's employers may not understand the serious nature of the crime leading to women having to leave workplaces.
- There needs to be specific funding for responses to stalking including public awareness campaigns to illustrate this ordeal.
- An assurance that Stalking Protection Orders will be granted as early as possible
- Ensuring that the victim is always placed at the centre of any process going forward, including taking complete account of victim's experiences.