

“It’s Not a Story, It’s What Happened”

Victim-Survivors of Gender-Based Violence: In Our Words

The Baseline Evaluation of the Implementation of the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence.

SHRC Scottish
Human Rights
Commission



Table of Contents

Foreword	4
Introduction	6
What is the Istanbul Convention?.....	7
How is the Istanbul Convention monitored?	8
Note on terminology	8
Part 1: Prevention	10
What does the Istanbul Convention say about prevention?	10
What did women say about prevention?	10
In our words.....	11
Part 2: Protection	16
What does the Istanbul Convention say about protection?	16
What did women say about protection?	16
In our words.....	17
Part 3: Prosecution	24
What does the Istanbul Convention say about prosecution?	24
What did women say about prosecution?.....	24
In our words.....	26
Part 4: Integrated Policies	32
What does the Istanbul Convention say about policies?	32
What did women say about policies?	32

In our words.....	33
Conclusion.....	36
Annex 1: Methods	37

Foreword

Violence Against Women and Girls is a human rights violation. International treaties and human rights case law have developed rapidly over the recent decade to recognise the impact of violence through a human rights lens.

When countries fail to stop violence against women and girls, individual rights such as those to dignity and privacy, to participate in public life, to express yourself freely, to live free from torture, humiliating and degrading treatment and even to life are all violated. The risk of and fear of experiencing violence also makes it more difficult for women to engage in work and access safe housing or education. The effects of violence may require specific healthcare or social security support. Women who experience violence need access to justice through the courts and the support of other public agencies involved in criminal justice, such as the Police.

The Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence – known as the Istanbul Convention – was signed by the UK in 2012.

Despite this, the UK only became a member when it completed the ratification process.

By ratifying the Convention, the UK agreed to meet standards to prevent gender-based violence, protect victims of violence and punish perpetrators. The Convention names violence against women and girls as a human rights violation and form of discrimination. The Convention requires all those who sign up for it to take specific steps to eradicate such violence.

While the Scottish Government has undertaken a range of activities to eradicate violence against women and girls, the Commission's research shows that the experiences of women and girls in Scotland do not match up with the ambition of laws and policies.

This report reflects engagement events hosted by established survivor networks and groups to discuss the Istanbul Convention in Scotland.

These sessions supported the Commission's monitoring of the implementation of the Convention and our report to the Council of Europe.

This report raises several critical findings across all aspects of the Convention that undermine Scotland's full compliance with the Istanbul Convention.

As part of monitoring compliance, the Commission bears witness to human rights violations wherever they occur and ensures they are addressed through accountability processes.

This report highlights the impact of not meeting the Istanbul Convention's obligations by highlighting women's views and experiences. The women who informed this report understand what needs to change and strongly desire to participate in reform.

Justice can be complicated, and it can raise tensions between rights holders. However, human rights law can help us navigate complexity and tensions. The Commission must reflect on what victim-survivors told us about their experiences of an existing system in Scotland that undermines their experiences, denies them justice, and even puts their physical safety at risk.

The Commission is extremely grateful to all the women who participated in these sessions and shared personal experiences. I hope that this report and the ongoing monitoring process enable you to not only have your voice heard but also opportunities to be part of change to realise better the rights of all victim-survivors of violence against women.



Jan Savage

Executive Director

Introduction

As part of producing the Commission's report to the Group of Experts on Violence Against Women (GREVIO), we commissioned three focus groups with members of existing victim-survivor networks and groups in Scotland. These were: Scottish Women's Aid, Rape Crisis Scotland, and the Scottish Commission for People with Learning Disabilities.

This report complements the Commission's monitoring report. The participants' views are also considered as part of our monitoring report. This report centres on the views and experiences of survivors. It includes quotes and opinions shared through the focus groups to demonstrate the impact of current law, policy, and practice on individual victim-survivors.

Participation is critical to the realisation of human rights. People must be involved in decisions that impact them. The focus groups highlighted the clear desire among victim-survivors of gender-based and domestic violence to have their voices heard in all aspects of the state's obligations under the Convention.

A clear desire to be heard was consistently shown in victim-survivors comments relating to criminal justice and investigation, where many participants described feelings of voicelessness, disempowerment, and frustration at being dismissed or disbelieved.

While a limited number of focus groups cannot fully address the exclusion of victim-survivors in the international treaty monitoring process, the Commission has aimed to reflect the experiences of some of these women in our research. We have done this through direct engagement and desk-based research, considering the wealth of existing materials victim-survivors have contributed to over the years. This has been alongside engagement with intermediaries and support agencies.

The Commission has summarised the discussions across the three focus groups for this report. Following this, members of these groups had the opportunity to comment on our description of their conversations. Alongside each summarised section are the women who

took part in the focus groups' own words, speaking directly to those reading this report. These women highlight critical areas of concern, and their quotes are shared with consent.

Given the scope and scale of the Istanbul Convention, the Commission has approached its monitoring in four themed categories (known as the four P's). These are:

- Prevention of gender-based and domestic violence
- Protection and support of victim-survivors
- Prosecution of offenders
- Integrated Policies.

This report is also structured this way, with each part reflecting on one of the four P's.

Further information on the focus groups is available in [Annex 1](#).

In addition to our full monitoring report, the Commission has submitted this report to GREVIO on behalf of and with the support of participants in the focus groups.

What is the Istanbul Convention?

The Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence, known as the 'Istanbul Convention', is the European regional human rights treaty concerning violence against women.

The Convention makes clear that violence against women is gender-based violence, i.e., that women and girls experience violence because of socially ingrained attitudes about the roles and capabilities of women and men. Gendered attitudes, bias, and access to resources also inform women's experiences of navigating protection and justice. The Convention articulates that tackling violence against women and girls requires action to address gender inequality. The scope and scale of obligations in the Convention are wide-ranging.

How is the Istanbul Convention monitored?

The Istanbul Convention is monitored by a Group of Experts on Violence Against Women, known as GREVIO, and a Conference of the Parties (CoP). The CoP is a body where each of the countries who has signed up to the Convention is represented. The CoP brings countries together to support implementation and has ultimate oversight of GREVIO's recommendations.

When the UK ratified the Istanbul Convention, it accepted the authority of GREVIO and the CoP to monitor implementation.

GREVIO undertakes the review and produces a report, which is transferred to the CoP. This approach ensures countries collaborate to implement the Group of Experts' findings.

GREVIO's first assessment is known as the baseline assessment. This is where all articles of the Convention are considered. To establish a baseline, GREVIO sent the UK Government a survey in spring 2023, which the UK Government responded to with input from the devolved governments.

Following this, NHRIs and civil society stakeholders may submit evidence about the implementation of the Convention to support GREVIO's review. Before producing their report, GREVIO will then visit the UK to gather more evidence and insight.

Note on terminology.

The Istanbul Convention provides definitions for key terms such as gender, violence against women, domestic violence etc. We discuss their meaning in the Commission's full monitoring report.

We did not provide victim-survivors with definitions and terminology in the Convention and all quotes use their own words. There is no single way that people who have experienced violence describe themselves.

Scottish policies use the term '**victim-survivor**' when talking about people who have experienced gender-based violence, recognising the diversity of views. This term is also inclusive of people who have died as

a result of gender-based violence. Where talking about the result of a crime, victim is used on its own, i.e., 'the victim of a criminal offence.'

Part 1: Prevention

What does the Istanbul Convention say about prevention?

Prevention is covered in Chapter 3 of the Convention. State obligations are summarised in Article 12. Prevention requires all countries who have signed up to the Convention to:

“Promote changes in the social and cultural patterns of behaviour of women and men to eradicate prejudices, customs, traditions and all other practices which are based on the idea of the inferiority of women or stereotyped roles for women and men.”

Prevention obligations include awareness-raising (Article 13), education (Article 14), training (Article 15) and perpetrator intervention (Article 16).

What did women say about prevention?

The women who participated in the sessions expressed strong support for early intervention and cultural change. The role of education was emphasised by many of the women. They wanted this to start early and focus on gender equality and healthy relationships.

Some women also expressed their desire for more accountability and stronger punishments for perpetrators, which they believed would act as a disincentive and steer cultural change.

The culture of organisations responsible for ensuring access to justice was also discussed.

Victim-survivors spoke of the vital role of police or other agencies who acted as the first people they met after an assault or when seeking help. They consistently described negative examples of fatalistic, disinterested, and uncommunicative responses during a crisis. This type of response dissuaded them from acting or would stop them from recommending reporting to another person in future. Therefore, a desire for more training for first responders and agencies was articulated in all discussions.

When women have had positive experiences when initially making a report, the support had been invaluable and was described by one participant as a “lifeline”. However, a lack of consistency in experience left these women with mixed views. While there was apparent empathy for individuals in the various agencies, there was a lack of confidence in the system. As a result, a call for trust and judgement-free professionals was shared across many inputs.

Victim-survivors expressed scepticism about the value of perpetrator interventions. Some described them as focusing on the support of a perpetrator at the expense of support such as training or emotional support for victim-survivors and for having an inadequate focus on the impacts of their behaviour on the victim-survivor. Some women expressed concern that the impact of existing programmes was not measured.

Examples of positive prevention work were limited but included:

- Local Women’s Aid staff attending local high schools to provide workshops.
- Victim-survivors are asked to share lived experiences to contribute to workshops and research.
- Victim-survivors have opportunities to input into legislative and policy decision-making through consultations.
- Individual projects such as developing policies in their workplaces or writing a book.

Contributions from several women explicitly demonstrated their desire to contribute their experiences in various ways.

In our words

Women who attended the focus groups were asked what would help **prevent** gender-based and domestic violence in Scotland and what would not help. The following pages highlight what they told us:

“

“Women (from a variety of backgrounds) at the table when it comes to decision making at a strategic and government level.”

“

“Each person, organisation (public and private) in all sectors and every industry need to recognise the social responsibility and duty of care owed to victims-survivors of domestic abuse.”

“We need to be addressing this at ground level. Creation of a specialist sexual offences court and passing the misogyny bill. Criminalising this or giving women a route to hold perpetrators accountable is key. It's also key for education.”

“Mandatory referral to specialist services for perpetrators. I personally believe that there would be minimal impact on these men; however, they should be made to jump through as many hoops as their victims are made to jump through. I have had to justify every area of my life in court; he was not accountable for anything.”





“Education is very important, but it needs to start early on. It needs to change attitudes at an early age. Gender equality should be taught early on.”



“We all know someone who has been assaulted, but no one knows a perpetrator?”

“I almost didn’t come forward for my second assault because the first time was so disappointing.”



“Media has to change. Headlines are passive; they give excuses to perpetrators.”

“Convicted perpetrators have to go through rehabilitation courses, but they are not measured, and there is no punishment for choosing not to participate.”



“Triggering language - using “rapey” in a jokey sense. [People need an] understanding that challenging that isn’t trying to get them into trouble but trying to get an understanding how it makes us feel.”





“Protection for children who have escaped with their mother for cycles to be broken. If a child is forced through civil court to see a father who has committed domestic abuse, they are further traumatised, and there is manipulation. Children exposed to their mothers being abused have, by default, been abused themselves. The court system takes no account of this, and the father can use their parental rights to continue post-separation abuse.”

“Gender-based violence prevention should be multi-layered and evaluated with critical reflection and learning within organisations... There was a level of gaslighting with these professionals that was clear in their reports and shared with the court. Professionals such as social workers should have an independent review of their training and work within the field of domestic abuse with critical review and reflection of their learning.”



“I think we need to begin at the root of the problem - the attitudes of boys to girls... Very often, the reason for boys/young men/men's abusive behaviours towards women comes from the beliefs that their fathers hold that women are not equal to men...I think it takes many years to instigate change...but I believe that if boys grow up with respect for women, we have somewhere to start. If men respect the women in their households, this respect will extend to their community and maybe globally.”

"Each person, organisation (public and private) in all sectors and every industry need to recognise the social responsibility and duty of care owed to victims-survivors of domestic abuse."



“...I think organisations have a huge role to play in preventing gender-based crimes. For example, if Police Scotland were able to offer more robust training for officers who were reporting domestic violence, I think more domestic violence crimes would come to court...Sheriffs and solicitors should have in-depth training to gain an understanding of the impact of domestic violence on women and children. There needs to be a shift in the culture of the justice system.”



“I belong to a group called [removed to protect anonymity], and this group has been able to consult with Police Scotland, Parliament and many other agencies to provide information and opinions based on our lived experience of domestic abuse and for many of us our journey through the justice system. This is good prevention work because sometimes this leads to our voices being heard on a wider platform.”



"A few years back, I worked for a charity delivering workshops on domestic violence. The attitudes of the head teachers in the wealthier areas were that domestic violence was something that didn't really happen in their community... So, I think any projects going into schools would need to have the backing of the head teacher, at the very least, for it to be taken seriously. This attitude definitely fed through to the children who were less likely to engage in the wealthier areas."



Part 2: Protection

What does the Istanbul Convention say about protection?

Chapter 4 of the Convention covers protection for women and girls who are experiencing or who have experienced any form of gender-based violence.

In summary, states' obligations under protection and support include the general obligation to ensure protection from further acts of violence.

The support states provide must be:

“Based on a gendered understanding of violence against women and domestic violence and shall focus on the human rights and safety of the victim.”

The Convention clearly states supports should seek to avoid secondary victimisation, among other requirements in Article 18. Further obligations include

- Providing information to victims (Article 19)
- Access to services to facilitate recovery, including legal, psychological, and financial assistance, housing, education, training and assistance to find employment (Article 20)
- Access to specialist support services (Article 22)
- Access to Shelters (Article 23), helplines (Article 24) and rape crisis centres (Article 25)
- Protection for Child Witnesses (Article 26)
- Support for reporting (Articles 27 and 28)

What did women say about protection?

In the focus group conversations, a desire for more resourcing was stated for the agencies that had offered them support, especially for more specialist organisations. The women we spoke to want more trauma-informed services, immediate access to counselling and healthcare referrals, including support for alcohol or drug use where appropriate. Many participants had negative experiences of having to

wait to access mental health support; however, when they did get access, the positive impact on their recovery was evident.

However, the most commonly expressed theme by women we heard from was the need to treat women respectfully and communicate. Agencies and support services that understood and had the resources to support women were seen as essential to women coming forward and utilising the justice system. All three groups discussed experiences they reflected on as interrogating or treating them as to blame or “as if they had been the criminal”. Many shared that these experiences would dissuade them from coming forward and seeking help in future or had contributed to not seeking support in the past.

A desire for more consistent, person-centred, and proactive communication from agencies was a theme across all three discussions.

Two of the sessions demonstrated some clear concerns about social work. While this engagement was with a small group of women, the dissatisfaction with the responses from social workers was strong. It is worth noting that this was not universal; some very positive experiences of social work support were described, and other agencies were also described negatively.

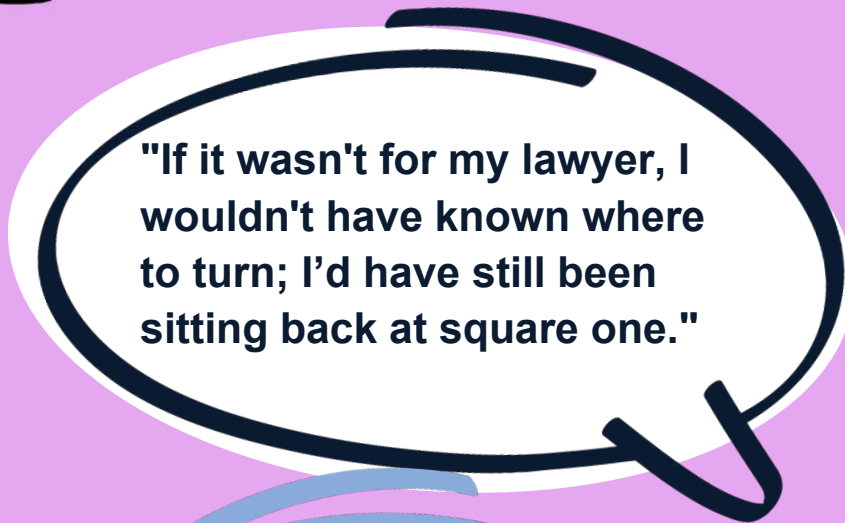
From the session with women who identified themselves as having a learning disability, there was a particular fear that disclosing their abuse and coming forward for support could result in their children being removed from them. Some participants spoke candidly about their experiences of having their parenting abilities or legal rights challenged.

In our words

Women who attended the focus groups were asked to describe a positive and negative journey of **protection** from services. This could include the types of support they could access. This is what they said.



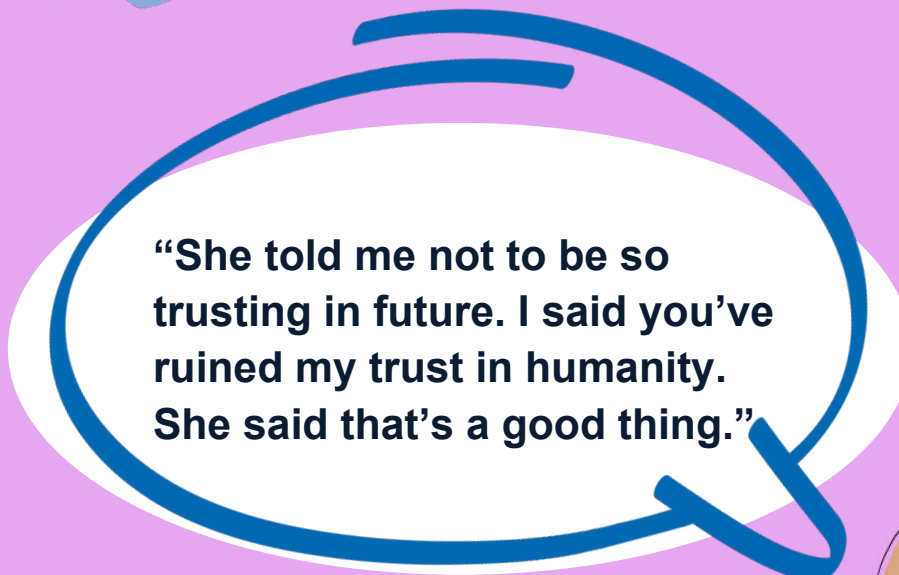
"I understand that police are just going about their job, but my whole world has been destroyed"



"If it wasn't for my lawyer, I wouldn't have known where to turn; I'd have still been sitting back at square one."



"If it hadn't happened to me, I wouldn't know where to go or who to tell."



"She told me not to be so trusting in future. I said you've ruined my trust in humanity. She said that's a good thing."



[Question: What would help somebody to leave an abuser?]

"Fund to leave, security elsewhere, and I have often wondered about whether we should be doing more with notary publics to change surnames. I think it is a lot for women to go to a refuge, and the housing situation needs to be improved, especially with Edinburgh declaring a housing emergency".

””

””

"Delays take years off your life – [we need] a justice system without undue delays and which has support for victims in terms of the way that police engage with you and the way you're spoke to."

””

[Question: What would help somebody tell someone else about the violence she had experienced?] "Proactive, wrap-around care. Proactive communications – no need to chase from the survivors. There should be a responsibility to contact the victim and to follow up."

"The first responder convinced me not to report because it was late at night. It shouldn't matter if they have to stay up to 3am to finish their reports."

””



66

"Sometimes they say social workers get made out to be the bad person, but it depends on circumstances. They're not going to do things that aren't right for you. They're not going to give you some protection you don't need."

"Survivors should have more of a sense of control over the system and be empowered to make your own decisions instead of having it happen to you."

99

[Question: What would help somebody tell someone else about the violence she had experienced?] "Sensitivity and awareness from professionals. If that's not the case, it can be traumatising."

"One of the most cathartic things for me was having my first counselling session and the counsellor telling me that it wasn't my fault."

99

"Where it [Sexual Assault Referral Centre] is, I couldn't get the bus to the place without having to have a big walk. It's not labelled or sign-posted in the best way, and that's for privacy reasons. But they maybe need to have them closer to hospitals or have more of them."

99

66

"The [Sexual Assault Referral Centre] is not a very nice place. Going there at 2 o'clock in the morning, you feel very disorientated. If I were to go in the day, I don't want to say it would have been a better experience but a less traumatic one?"



"I know somebody who has been raped, and they didn't respond – not just the police but their doctors – and it was like a week before they could get an appointment. They should be able to get an appointment. Why don't they have somebody who can see that person that day?"



"I was allocated a Women's Worker who did a risk assessment, referred to MARAC and gently guided me through the process and what I might expect to encounter. I was not ready to leave; however, the work she did with me over a couple of weeks in secret meant that when my behaviour escalated and the Police were called, I was prepared for what came next....Emergency planning was essential. If I had not had contact with my specialist support, I may not have dialled 999 and believe I may not be alive today."



[Question: What stops somebody from seeking help?] "Getting updates from people you don't know or haven't spoken to before in the process, and their attitude was really blunt."



"...My experience was that the initial advice was simply to leave from MARAC however, this was easier said than done. In the post-separation abuse period, I needed assistance with safe at home assessments and other practical issues; however, because we were no longer covered by MARAC... I was no longer eligible for this support. The Police Marker on my property expired after a certain amount of time. Just because my abuser has 'behaved' for an allowed amount of time does not mean that he won't try things again....".



“I have had this negative experience with a social worker who stated the relationship was acrimonious and I needed to learn to put my issues with my husband aside to care for the children. I was beaten, raped, and experienced coercive control, which had been the case for years from when I was groomed by him at the age of 14. Imagine my devastation to be spoken to like that by someone who has the power to change the course of my life.



I contacted social work for guidance and advice eight times. One time, they did not ignore my message, and a duty social worker called back and told me I was “not high tariff enough” for their input and that I would have to pursue legal action via the family court. If I had followed this advice, I believe I would be dead.”



"I worked with [social work], and my experience has become really negative. It didn't matter how much you tried to work with them; not wanting to do what they wanted made them angry. They can screw you over left, right and centre."



"I wouldn't talk to my social worker about anything; social worker took my children off me and gave them to my ex. Who was the one who was charged? Why would they do that sort of thing?"

"[The social worker] was the one who turned up on our doorstep because of [an incident involving a child.] But it was-nae him that she hated it was me. I was standing there when she told my mum the reason she disliked me was which school I went to. She said, 'I've got every right to be judgmental when it comes to children. You should all be sterilised.'"



Part 3: Prosecution

What does the Istanbul Convention say about prosecution?

The prosecution theme within the 4-Ps covers many conventional articles. Some aspects refer to laws that states must ensure that they have in place to criminalise or otherwise respond to specific acts of violence.¹

In addition to having the laws in place, the state must also ensure adequate civil and criminal law processes are in place to provide access to justice for victims.² including,

“...effective, proportionate and dissuasive sanctions” (Article 45.)

The Convention also requires that decisions about child contact consider the risk of domestic abuse (Article 30.) The Convention also covers investigation and criminal procedures, which require law enforcement agencies such as the Police to respond promptly and appropriately, including immediate protection for victims (Article 50.) States must also ensure the victims can access legal protection such as restraining orders (Article 53) before trials and legal aid (57.)

What did women say about prosecution?

The women participating in the focus groups had consistently negative impressions of criminal justice. They described their experiences of encountering bias at almost every stage of proceedings, both from people employed by criminal justice agencies and from the public. Women spoke frequently of the impact that being a witness rather than a party in proceedings had on how they felt they had been treated, for example, as pieces of evidence or inanimate objects. They were particularly critical of the conduct of some defence advocates (trial lawyers).

Although some participants reflected that these individuals were doing their jobs and that sometimes the treatment, they received was unintentional, almost every participant in some way reflected on the

harmful impact of the treatment they received. Across all three discussions, the sense of being out of control of the narrative was acute. The language used to describe courts and investigations frequently drew on the ideas of performances, storytelling and a disconnect between the truth as the women experienced it and how it was retold around them.

The participants consistently found a lack of understanding about the autonomy over decision-making that continued through to proceedings. Some suggested that there was a need for more specialist police teams and officers with training on domestic abuse and support for victims and a need for female officers to be present.

When asked about the steps participants felt would lead to prosecution, a need for attitudinal change and consistent communication was again shared. Some women wanted juries to have trauma training or to have access to professional advice on how trauma may affect a victim of gender-based violence.

For victim-survivors of domestic abuse, the impact of child contact proceedings and the ongoing impact of contact between their children and abusers was a concern. Several women shared experiences of their partner being granted visitation and, in some cases, residence/custody of their children.

Finally, several survivors expressed views suggesting strong dissatisfaction with sentencing, including sentencing policies for people under the age of 25. There was a consistent sense that convictions were challenging to secure and that even where they had been secured, many of the victim-survivors did not feel they were proportionate to the harm nor that they would ensure their safety.

In some cases, the women shared examples of not being told about the sentence passed until time had elapsed, leading them to fear for their safety. Similar impacts of breaches of protection orders were described, with women sometimes moving away from the area or changing their behaviour.

In our words

Women who attended the focus groups were asked what steps need to happen for a successful **prosecution** and what act as **barriers to prosecution**. This is what they said,



"Survivors would be more willing to report if there was a bigger chance that it would lead to a conviction. There's a huge sort of fatalism around it, and you're told the whole way through that it's not worth it."

””

””

"There needs to be some consequence, whether that's a prison sentence or on their record. If he was to go and meet somebody else? Not that long ago, I found out about background checks; what's it called, Clare's law? For people like myself with a learning disability, they can have their eyes open from the start, not years down the line."

””

"Although the Procurator Fiscal is speaking for the victims, in my case I had no interaction with the PF before or after the day in court. I think having someone to closely liaise with would be the very least that could be done for victims."

"They treat you like a criminal; you're the one being interrogated"

””



“I struggled to find a solicitor to help me with legal aid. I telephoned over 20 firms. I contacted the civil assistance office, who told me they were piloting a new way of working, which involved sending victims a list of solicitors to access help themselves. Not only was the list wrong..., but the firms on the list I had tried already. I had been under the impression they would be able to help me, and it was another dead end.”



“The personal views of professionals still provide bias where there should be none, and misogyny is also a factor. My local community Police team were excellent and followed what I'd expect in line with Equally Safe; however, I am aware this is not the experience of all and is dependent upon geographical area.”

“All of the language is unhelpful. Court is a theatre, it's not about the truth. It's their job to tell a story. Prosecutors must stick to facts, but the defence can use whatever language they want”.



“I was expecting to be answering questions about the many times I had been abused by my partner, but the emphasis was on two incidents, which, out of context, could have quite easily looked like a family argument. As well as being shocked, I felt I wasn't even heard. The case was not proven. I've heard that this happens often to women in court.”



“Trials should be evidence or stories – you shouldn't have both.”





“Courts don’t get how hard it can be to understand how it all works.”

“It’s not that the police don’t care about gender-based violence, they do, but they don’t know how to talk to people with a learning disability.”

“[There needs to be] a human component to the whole system – we’re not just a piece of evidence. From day dot to sentencing, this needs to be consistent.”



“Equal treatment throughout the process and having survivors' rights respected as much as the perpetrators. Survivors are not inanimate objects.”

“Innocent until proven guilty – but what about me being believed until proven otherwise?”



“There should be more resources for people who have been through violence and who have a disability.”



"People who have heard of rape myths could be on a jury. The Johnny Depp case is a good example of how people think about it."



[Question: What might help secure a prosecution?] "Support and privacy for the victim, just a bit of courtesy towards the victim. They still might be scared of that person and not want to give evidence in front of them."



"Uphold convictions as they are given. Too much lenience and early release based on good behaviour, it already too hard to get a sentence, and we shouldn't be shortening it."



"Having a consistent point of contact from the first day to sentencing. Scheduled communication to stop traumatisation and triggers. Shouldn't be strangers."



"Laws and compensations targeted at the victim's losses by breach of their human rights are too often missed because they are not considered criminal."



"General feeling that there is a lack of safety for coming forward. At no stage do you feel supported. That information can be accessed and used by defence lawyers."

"Being believed until proven otherwise and being treated as a person, not as evidence."



"The investigating officer stated we believe you; we can see he has done this; me and my colleagues have reviewed everything. We just can't get to the threshold required to progress. We are sorry."



“

Enactment of Jade's Law to prevent violent offenders from having automatic custody or access to children. Extension of this to include that convicted domestic or child abusers should not retain automatic parental rights.”

“

The bar is so high to prove what has happened, so you can maybe go down the civil route, but that has a three-year time limit for something that can take years to report.”

Defence lawyers are allowed to make up a story without being contested. The victim isn't allowed to contradict it, or even speak without being told off by the judge.”

”

“

Difficulty in achieving corroboration or prosecution for domestic abuse-related crimes means a lot of cases are never reported or do not result in convictions.”



“The justice system at the moment still very much favours the rights of the father, even though the child (or teen) expresses that they are frightened of him and want no contact. I've had a few non-harassment orders, but my daughter was never included in them. Why can children be offered no protection?”

”

Part 4: Integrated Policies

What does the Istanbul Convention say about policies?

The Istanbul Convention recognises that action to address violence against women requires legislation and other measures. Chapter 2 of the Convention covers 'integrated policies,' meaning the ways and frameworks agencies use to work together. This includes funding (Article 8), having comprehensive strategies (Article 7) and a body responsible for coordinating all the difference bodies (Article 10).

What did women say about policies?

While the sessions did not ask participants to comment on the success of the national strategy or other policy frameworks, some did express views on their knowledge or understanding of existing frameworks.

There was a general awareness of the strategy and a positive attitude towards its aims. Women in one group specifically discussed aspects of Equally Safe and shared that there was a need for more critical reflection and review, including more accountability and evaluation.

Some comments from this group, and more generally across the others, indicated that there was only sometimes consistency between the women's understanding of the strategy's aims and approach and more comprehensive policy reforms. Examples of this lack of coherence given across all discussions included:

- Relaxed conditions of bail and release
- Sentencing guidelines for under 25s
- Lack of sustainable funding for women's services, including specialist organisations for women with learning disabilities and other further marginalised groups
- Teaching in schools and the approach to ensuring access to gender expertise
- Proposals to reform the Gender Recognition Act
- Cuts to police budgets

It was also apparent that many women wanted to hear their own and other women's voices and experiences. Some women explicitly reflected on being asked to contribute to research and consultation positively. However, comments also suggested a strong desire for more agency and decision-making opportunities in their cases and ongoing support and national policy.

In our words

Some women who took part chose to discuss the impact of existing Government **policies** on their lives. This is what women said:

"I think VAWG is the worst it has ever been, but I also think Scot Gov are incredibly responsive and responsible and face the challenge head-on."




"Equally Safe also needs to address the power imbalance created by male entitlement and sex differences in terms of safety measures and include more recognition of basic human rights. Proposed changes in law are reducing rather than enforcing this."




"Early intervention isn't really feasible until the decision makers in the justice systems have a shift in their prejudices. It takes such a long time to bring a case to court, which just allows more time for a perpetrator to abuse his victims until some punishment is decided on."







“There should be more resources for people who have been through violence and who have a disability.”



“It would be good to see more accountability through performance monitoring and evaluation on working groups and targets outlined in the original Equally Safe strategy”



“If people are allowed to carry on in court the way that they do, the policies won't have the impact that we want it to have. The law needs to be rewritten.”



“Women (from various backgrounds) at the table when it comes to decision making at a strategic and Government level. Asking for women with lived experience to contribute to policy-making decisions.”

"I do not think we are achieving any targets to see men desist from committing violence against women and girls because we are not putting effective safeguards or sanctions in place. Rather, safeguards are being removed, and sanctions are being reduced. This only serves to enable and empower offenders."



"I think it's being embraced incredibly well by Girl Guides and Young Women Scot and I think we need to start having serious conversations with our girls early on in life to teach them that they do not have to tolerate misogyny and teach them about role models who stood against it."



"The framework [Equally Safe] is comprehensive, and there appears to be interest in using lived experience as part of the work undertaken. I believe lived experience is essential to help guide progress."

Conclusion

This report provides a snapshot of women's experiences across the Istanbul Convention's key themes. The women the Commission heard from shared similar experiences of disconnect between the human rights aims and how their engagement with relevant bodies affected them. This was across the themes of prevention, protection, and prosecution.

It is striking how often these women described their experiences navigating systems that crafted narratives around them while being unable or unwilling to give them agency. Many of the statements collected throughout the report show the trends of being disbelieved and dismissed and the idea of courtrooms and public bodies as places of performance and storytelling.

The women's experiences show how even more distressing it is when support fails to live up to their needs and expectations. Vital support such as social workers, GPs, police liaison officers or other first responders can act as a lifeline and make navigating complex processes less traumatic. However, when these services lose the trust of the individuals they support, the impact on women can be detrimental.

It is also clear that the women feel deprioritised in Scotland's efforts to prosecute and respond to incidents of gender-based violence. This is a result of women's experiences of a failure to give them information, delays in accessing mental health support and justice processes treating them as evidence instead of people.

The Istanbul Convention clearly defines the array of support a State must provide. While we have mapped good - and at times world-leading - policies, these stories show the disconnect between how Scotland is meeting these obligations on paper and the real-life human impacts of failing to meet the substance of the obligations.

Annex 1: Methods

The decision to partner with existing networks reflects the Commission's desire to be collaborative and work in a trauma-informed way. To do this, the Commission agreed the best approach was to work with organisations that already had trusted relationships with the women they supported. Each of the groups was identified through the Commission Istanbul Reference Group.

Successful bids were received from:

- Scottish Women's Aid Survivor Reference Group
- Rape Crisis Scotland Survivor Reference Group
- The Scottish Commission on Learning Disabilities Power Women session, which was also open to the People First's Gender-Based Violence Group.

Women volunteered their time and personal experiences and received a token of thanks worth £30. In total, 15 women participated in three sessions.

However, we recognise that this report does not represent all women's views and experiences. Issues of race, sexuality and gender identity and their intersectionality with gender-based discrimination and violence did not come through in the discussions. More engagement, specifically more targeted engagement, may have brought out more diverse experiences among further marginalised women. Given the sensitivities and resource implications, the views of children and young women were also not gathered as part of this work.

While women with intersectional experiences of discrimination may have been present in our sessions, outside of the focused session with women with learning disabilities, the Commission cannot be sure equality issues were raised. Given the small number of women who participated and our desire to preserve confidentiality for these women, data on equality characteristics was not gathered.

¹ For Reference, see Istanbul Convention: Articles 33 – 39.

² See Istanbul Convention: Articles 29, 30, 41, 42 and 43.