

Justice Report

This report summarises children and young people's views on how to improve justice responses to those who are experiencing gender-based violence.

Children and Young People's Priorities for Action:

- 1 Raise awareness, educate and run campaigns to reassure children and young people that they have a right not to suffer abuse; it is OK to report abuse and that they will be believed, listened to and supported.
- 2 Better implement children and young people's right to have their views heard in matters affecting them, and for these views to be given due weight in decision-making within the justice system.
- 3 Increase access to consistent, specialist support and advocacy workers throughout the justice process.
- 4 Improve information and communications processes for children and young people throughout the justice journey.
- 5 Make practical improvements to ensure the criminal justice system is child-friendly and to reduce re-victimisation and trauma.
- 6 Provide robust training for professionals to improve early intervention and justice responses to gender-based violence.
- 7 Hold the perpetrator to account for the abuse and ensure that young and adult victim/survivors do not feel to blame or on trial.
- 8 Ensure that children and young people have choice and control over when, how and if they have contact with a perpetrator and that this is monitored and reviewed alongside the child or young person.
- 9 Involve children and young people with lived experience of gender-based violence in improving the justice system through direct dialogue, a justice young expert group and co-developing information and resources.

Introduction

The Everyday Heroes Participation Programme asked children and young people about their priorities for government action in relation to gender-based violence and gender inequality.

The Scottish Government established a Participation Partnership to ensure that children and young people, especially young survivors of gender-based violence, participated in their plan of action '[The Equally Safe Delivery Plan](#)'.

Young and adult experts from the University of Edinburgh IMPACT project, Barnardo's Scotland, Scottish Women's Aid, Rape Crisis Scotland and the

Scottish Youth Parliament worked together to design engagement sessions and a survey to ask children and young people across Scotland:

1. What would improve the journeys of young abuse survivors through services and the justice system?
2. What could help improve societal attitudes and people's lives in relation to gender equality?

This report focuses on children and young people's priorities for action to improve the justice system.

The 'Justice' Project

Scottish Women's Aid managed this project and designed engagement materials with input from young advisors.

Young participants charted their own journeys through the justice system using 'stepping stones' to explore what worked well and what could have been better.

Using their ideas about what needs to be improved in the justice system, young participants identified key priorities to bring about change and who should be responsible for taking these forward.

Facilitators from eight organisations supported children and young people to take part: Angus Women's Aid; ASSIST; Children First - Borders and Inverness; Glasgow Women's Aid; Polmont Young Offenders

Institute; Rape Crisis Rosey Project, Glasgow; Shakti Women's Aid, Edinburgh and RASAC, Perth and Kinross.

Despite differences in characteristics, experiences of gender-based violence and within the justice system (Children's Hearings, child protection, police, criminal and civil) clear priorities for action emerged from young survivors through thematic analysis conducted by Scottish Women's Aid and the University of Edinburgh.

Young advisers met with Cabinet Secretary Angela Constance at the Scottish Parliament to discuss these priorities and advocate for their inclusion in the Equally Safe Delivery Plan.

Young participants

47 children and young people aged 6 to 25 took part, 32 were under 18, 15 were 18 or over: 6-8 years old (6); 9-11 years old (6); 12-14 years old (9); 15-17 years old (11); 18-20 years old (10); 21-23 years old (2); 24-26 years old (3).

44 of the children and young people had experience of gender-based violence, some of multiple forms: 26 domestic abuse; six of rape and sexual assault; 11 had

unspecified experiences of GBV; two had experience of sexual abuse and one of forced marriage. There were 31 girls/young women and 16 boys/young men.

Protected characteristics represented included: race, religion or belief; sex; sexual orientation; gender reassignment; disability. A small number of children and young people were care-experienced. Eight young people were in the Polmont Young Offenders Institute.



47 children & young people
aged 6-25 years



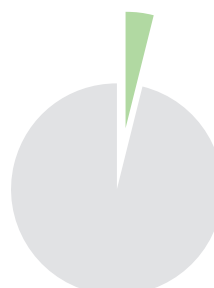
Gender Based
Violence



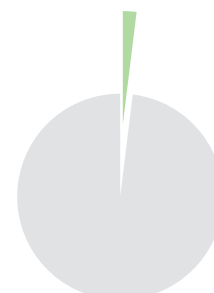
Domestic
Abuse



Rape & Sexual
Assault



Sexual Abuse



Forced
Marriage

PRIORITY 1

LISTEN & BELIEVE

Raise awareness, educate and run campaigns to reassure children and young people that they have a right not to suffer abuse; it is OK to report abuse and that they will be believed, listened to and supported.



Young survivors identified the following priorities to help children and young people report abuse.

- Agencies to listen to and believe children and young people when they disclose abuse, whatever their age, especially school teachers and the police.
- Agencies to reassure children and young people that they will receive a helpful and supportive response that won't increase risk if they tell someone.
- Children and young people to learn more about how to report abuse and the justice response at primary and secondary school, with input from justice professionals.
- Campaigns and information targeted at children and young people so that young victims of abuse know they can report and what will happen next.

Evidence

Most children and young people reported a fear of speaking out and reporting abuse. They commonly felt that professionals, particularly police and teachers, would not and did not listen: "No-one is listening. Adults don't have time for us, especially at school." They felt that their young age was the main barrier to being believed: older young people gave numerous examples of suffering further abuse due to not being believed the first time they told. For some, the need to retell their story made them less likely to ask for help again.

"I spoke to a Police Officer when I was six. But they dropped it. The Police thought I was too young to know any of that and was talking a load of old crap."

Children and young people felt a major factor in not being believed was that adults did not take children seriously and preferred to talk to other adults rather than the child about what was happening. It was a common experience for parents to be called immediately if a child disclosed abuse. None of the young survivors wanted this response and felt it desperately important to check with the child whether one of the parents was the perpetrator first.

"I used to feel like I wasn't being believed, I told the school what he was doing to me and they called him into a meeting and he told them I was lying. After the meeting I pretended I had made it up as I was so scared of what he would do if I said any more."

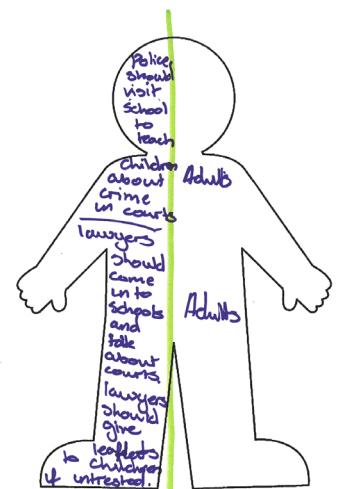
Young survivors were scared not only of the perpetrator but of the consequences of becoming involved in the 'system', particularly fearing further loss of control and feeling even more powerless. Whilst agencies responded with an unhelpful sense of panic and urgency, immediately wanting formal processes, young survivors wanted to tell their story, at their own pace,

to a sympathetic person "freely ... how you want to". They felt police could "be discreet, not go in guns blazing"; that all agencies should listen first. They recommended talking through the young person's fears and worries about the process, as well as the perpetrator, which could lead to confidence to continue and better evidence. There were numerous examples of being silenced and retracting their stories due to the initial poor and sometimes dangerous response of professionals (see training recommendation).

Young people recommended primary and secondary education for all children and young people about abuse, their rights, how to report, what happens next, support available and where to get legal advice. They felt that police and schools/colleges were the people and places to educate and campaign, with community support to:

"Encourage young people to come forward and have their voice heard if problems at home."

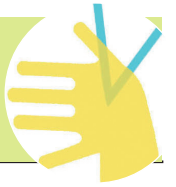
Some recommended that justice professionals (police, lawyers) should visit schools and have conversations with children about their rights and what happens when you report abuse. This could be backed up with clear online child-friendly information about the justice system, ways to report abuse (including online reporting) and what to expect. Young survivors could help develop information and campaigns.



PRIORITY 2

HEAR US

Better implement children and young people's right to have their views heard in matters affecting them, and for these views to be given due weight in decision-making within the justice system.



Children and young people identified the following key actions for being heard in the justice system:

- Processes and methods should be strengthened to enable children and young people to express their views. There should be more choice and flexibility over how they express their views.
- Justice professionals (from the police to sheriffs) need to take children's and young people's views seriously whatever their age, believe what they say, and give their views weight when making decisions about their lives.
- Justice professionals should listen more to the adults who children and young people say know them best and who they trust (e.g. specialist support worker, teacher, mum).

Evidence

Children and young people communicated serious concerns about not having the opportunity to express their views throughout the justice journey (criminal, civil, Children's Hearings). In criminal court many felt intimidated by lawyers and sheriffs and powerless in what was brought to court: "it didn't matter what was important to me for the court to hear". Those experiencing domestic abuse felt that it was rare to be asked their views at all before a child contact hearing. Children's Hearings were identified as a difficult place to give views (in front of groups, strangers, perpetrators and those closest). As well as more opportunities to express their views, children and young people wanted to have a choice about how they expressed them 'e.g. face to face, video letter, through a support worker', as what might work for one child would not work for another:

“It was good I had choice over getting a screen or CCTV [when giving evidence]. I wanted to go in the court room so he (accused) could hear me clearly... children should have a choice of where they give evidence from e.g. outwith court, interviewed at own house and taped.

Children and young people were mistrusting of reports written by people who did not know them, to whom they were scared to talk about their feelings and whom they felt did not understand abuse. Some children, especially those with experience of court-ordered contact, wanted sheriffs to communicate with them more directly and privately.

“My reporter did not listen to [my views] and I had to do something I did not want to as the reporter did not listen to my views seriously.

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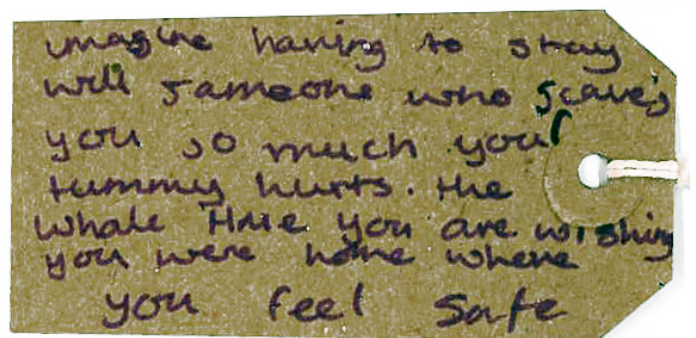
Sheriffs should try to get to know you instead of just trusting reports.

Many felt that even when they did have their views heard, these were not taken seriously or they were not believed. This meant that decisions were made on their behalf that they felt were not in their best interests. They felt strongly that their age was a barrier to being taken seriously or being believed, from reporting abuse – a young 'victim' of sexual assault was made to feel like a 'daft wee lassie' – to being taken seriously in court decisions:

“

Children don't have any power, adults always think they know what is best. Sometimes they do about small stuff but not about the important things to children.

Younger children experiencing domestic abuse expressed particular concern about being forced into contact with a perpetrator when they had expressed the view that they did not want any contact:

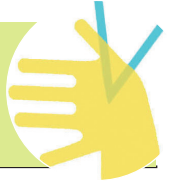


Many children and young people expressed that it was important for justice professionals to listen more to the adults identified by children themselves as

PRIORITY 2 cont...

HEAR US

Better implement children and young people's right to have their views heard in matters affecting them, and for these views to be given due weight in decision-making within the justice system.



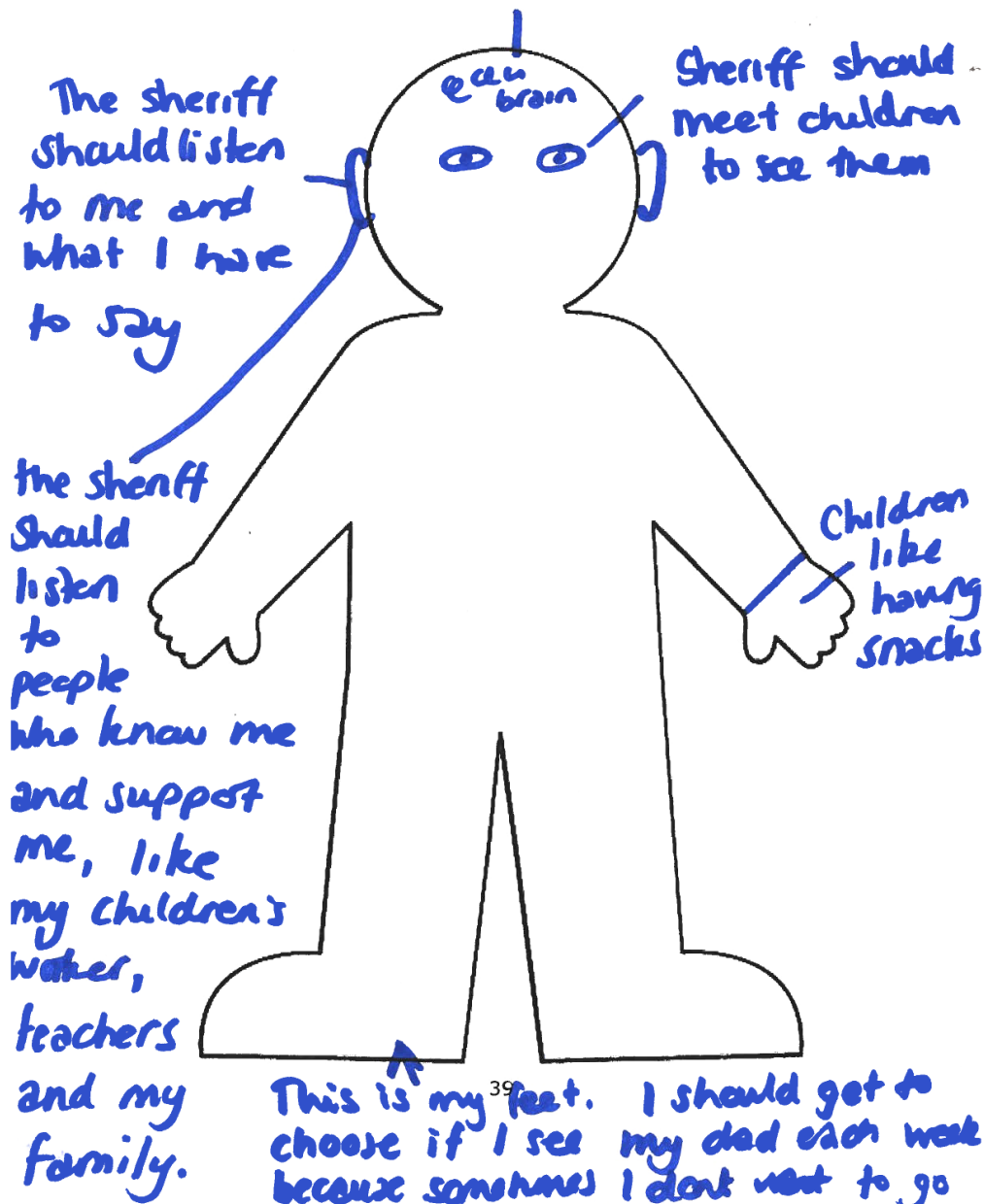
trusted individuals who know them and are therefore well placed to make decisions about their lives, such as support workers, families, teachers. Those with consistent specialist support felt strongly that their worker knew them well and therefore trusted them to make/help make decisions in their best interests.

Many children and young people felt strongly that more weight should be given to those trusted adults in children's lives:



Those writing court reports don't speak to Women's Aid workers but they should because they know me best.

Sheriff should send me a letter telling me what will happen and send me a form so I can say how I feel about contact.



PRIORITY 3

SPECIALIST SUPPORT

Increase access to consistent, specialist support and advocacy workers throughout the justice process.



Children and young people identified actions needed to increase access to emotional support, advocacy, and legal aid/advice:

- Support should be put in place as soon as children and young people are identified as engaging with the justice system.
- Those providing support to children and young people navigating the justice system should have specialist knowledge of GBV and the justice system, children's rights and protected characteristics.
- Support must be consistent: as far as possible children and young people should have the same person support and/or advocate for them through their justice journey.
- Easy to understand, informal and confidential access to legal aid, legal advice and representation should be readily available to children and young people.

Evidence

Children and young people said that support should be provided much earlier in justice processes, by specialist children's workers within a service or through earlier referral by police, schools etc., to specialist support agencies. They felt this support should be easily accessible to children/young people in their communities and in schools/colleges/universities.

Having their own support worker was vital for them to have a voice, be cared for and feel safe, particularly amongst strangers and groups of adults. Children and young people related experiences of having to retell their stories to multiple professionals instead of one or two people; this was distressing, traumatic and could silence them. Having a support/advocacy worker to represent their views on their behalf helped:

“ I like that my women's aid worker tells me what meetings she is going to for me and asks me what I want her to say at the meetings. It's scary to say what I feel in front of adults.

Consistency of support/advocacy was vital to all young survivors in order to feel safe and listened to. They needed to be able to talk through worries about the justice process as well as the abuse and safety.

Children and young people identified the need for emotional, practical, informal support from a worker with specialist knowledge of gender-based violence and the justice system (and their rights within it). They felt strongly that they needed a worker who they could get to know and trust, someone they could contact at important, often scary, times to them (e.g. opening

a letter, finding out what happened, being contacted by the abuser). BME children felt understanding their culture/s was vital and all children felt the support worker would know their story and what was important to them e.g. getting fed, staying in their own school. All wanted to see/call the worker regularly, from the beginning to end of their justice journey:

“ It really helped to know I see her [ASSIST advocacy worker] or I could call her if I needed to talk.

Some wanted this support to be confidential. Many young people also needed help to deal with the court outcome (the perpetrator contacting them, further abuse, fear) and to help them start to recover:

“ It's not justice when the Sherriff and social work get to make decisions and they go away and I'm left living my life alone. [Women's Aid] isn't like that. They don't leave you behind.

Some felt that while young people received emotional support, they lacked legal support and guidance. They felt a key role for support workers was to advocate for them, to help them get their views across in different legal and child protection settings. They wanted their support worker to support them in court and stay with them. A few mentioned the court supporter could be a separate worker, linked to their longer-term support worker. All agreed strongly that

“ The court process is frightening and scary for children and they need extra help to cope with this.

PRIORITY 3 cont...

SPECIALIST SUPPORT

Increase access to consistent, specialist support and advocacy workers throughout the justice process.



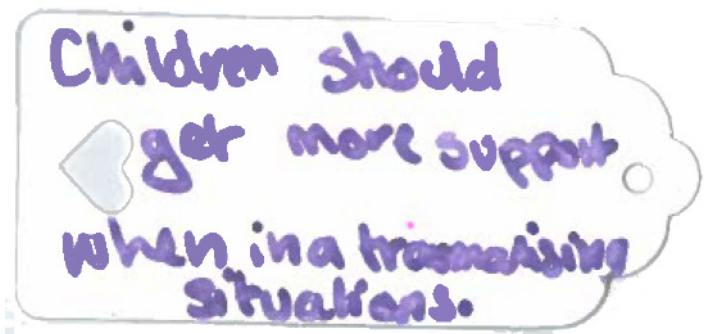
Some children and young people also identified a need for children to have access to specialist legal support to help them understand and claim their legal rights, including access to legal aid and their own legal representation. They felt this was important for helping them to understand their rights, but in an accessible, child-friendly way:



Have children focused solicitors who understand our needs.



Children and young people don't know their rights within the justice system.



I like my aware
Workers tell me meetings
She is going to for me.
and ask me what she
wants me to say for me
its scary to say what I feel
in front of people. help me
have my voice heard.

PRIORITY 4

COMMUNICATE

Improve information and communications processes for children and young people throughout the justice journey



Children and young people recommended action on communication with young survivors in criminal, civil and child protection processes:

- Accessible and child-friendly information on the process that informs children of their rights.
- Key information to be provided at each stage of the process; children and young people must always be informed about something before it happens, not as it is happening.
- Information must include: why something is happening; who is involved; reasons for decisions made and how they will be implemented.

Evidence

Whether their experience of the justice system entailed reporting to the police, civil justice processes or giving evidence in criminal trials, children and young people consistently identified the need for information and communication processes for children and young people to be improved. Not knowing or being excluded from what was happening was a common experience and felt unfair and scary to young survivors

“ **I was kept in the dark...It was like an extension of the abuse, I was powerless again...** ”

Children and young people wanted information aimed at children about the justice system including what was going to happen, what to expect and what words mean. Most didn't understand legal terminology: "I didn't understand what a lot of the words meant, like 'detained' or 'not guilty.'" Nor did they understand the role of everyone involved.

“ **Children and young people need to be informed of what is happening, when it is happening and who is involved every step of the way.** ”

They wanted to be clear who would be present and why; they consistently felt that no-one was on their side and the perpetrator more prepared and supported. Some felt meeting and communicating with key people involved beforehand could help allay fears and confusion. Some young people with experience of giving evidence in the criminal justice system felt that meeting court staff in person would have helped:

“ **There wasn't enough information or communication at any stages - it would have been so much easier for me if I had understood more about what was happening or if I had even met my witness supporter or court staff before the trial.** ”

Children and young people also felt that information needs to be more regularly provided at each step of the way, with many examples of communication ceasing, often when they felt most scared (e.g. before and after giving evidence, hearing the outcome, on release of the perpetrator).

“ **The procurator fiscal should have called or met with me before [giving evidence].** ”

They needed to feel some control and be prepared - they were often clueless about what was happening and had no idea what the different stages would be. It was very important to be informed before something happens:

“ **Children find it scary to have an unknown person show up at their home without any prior warning of who they are and why they are there.** ”

“ **First couple of weeks police communication was great but then it stopped and I didn't know what was happening with any evidence or witnesses.** ”

In addition to more regular and consistent information, children and young people asserted the need for more in-depth, detailed information, particularly outlining the reasons why something is happening or decisions have been made:

“ **Police and social workers and sheriffs need to explain to children what is happening and what their reasons are. They have to tell the truth even when it might be difficult.** ”

PRIORITY 5

CHILD-FRIENDLY

Make practical improvements to ensure the criminal justice system is child-friendly and to reduce re-victimisation and trauma



Children and young people identified practical measures to improve the criminal justice system:

For Police

- The approach needs to be more centred on the needs and views of the child, not just on “solving the case”.
- Use of personalised, accessible language when engaging with children and young people.

For Criminal Courts

- Reduce the time between reporting and giving evidence in court.
- Children and young people should only have to attend court once at most and should not wait in the court for hours to give evidence.
- The safety of children, young people and women must be prioritised at all times, including when travelling to the court and after giving evidence.
- Children and young people should have nice, child-friendly rooms available in court when they are waiting and when giving evidence.

Evidence

Children and young people with experience of reporting abuse to police and giving evidence in criminal trials identified many ways the process could be improved to prevent further trauma. Overall, the process felt inaccessible, intimidating and more centred on the perpetrator than the victim's needs:

“The whole process is not victim friendly, everything feels for the accused, you're just told where to be and when. I felt like I was on trial. I was called the complainer and it made me feel silly, like I was moaning.

Young people felt that police needed to listen to them and that sometimes did not take or did not use statements from children. Those with experience of reporting to the police felt that the focus on the perpetrator eclipsed their needs as survivors:

“I felt as though I was seen as a source of information for police, rather than someone who had experienced a serious attack.

“Maybe it's like their mind is more on the case, rather than the person.

One young woman highlighted that when she reported being attacked, she was continually referred to as a “19-year old female”, which felt extremely dehumanising. Young people asserted that using more accessible, personalised language and putting things

in “layman's terms” would help improve the reporting process for children and young people.

“You just feel not human. Like you're a case number.

Long waiting times between reporting and giving evidence re-victimised children and young people, illustrated by this girl's experience:

It was really long from reporting to court, nearly two years. I couldn't move on emotionally because I had to keep trying to remember for when I gave evidence.

Children and young people also reported long waiting times to give evidence in court, often having to sit for hours in a cold, uncomfortable room with no toys, books or games. Children also reported giving evidence via video link in a “bare and cold” room. One child reported having to attend court on three separate days before being able to give evidence. There was a strong feeling that there should be set times for children and young people to give their evidence.

PRIORITY 5 cont...

CHILD-FRIENDLY

Make practical improvements to ensure the criminal justice system is child-friendly and to reduce re-victimisation and trauma



Also of central importance to children and young people was being able to have someone they know and trust attend court with them. They wanted support workers to be allowed in the room with them when giving evidence, whether via video link or face to face. Children feel more comfortable when it is someone they know and trust in the room, rather than a stranger. A trusted support worker was particularly important in the face of giving evidence when young survivors were scared and intimidated by the nature of questioning and the environment:

“**Lawyers, the sheriff and adults involved in court should be friendlier and more approachable, because kids get mixed up and confused if people aren't being nice to them.**

Children and young people also identified the issue of safety for women, children and young people affected by GBV in the process of giving evidence. They felt more should be done to keep them safe, such as “help to get to court safely”. One child reflected that her dad and his family would hang around her home area to try to intimidate her and her family before going to court. Another young person reported having to sit in the same waiting room as the perpetrator's mother before she gave evidence. Others talked about being intimidated on leaving the court:

“**He waited in the [court] car park for us and just smiled and you know what he got a fine! That's justice for ya!**

“**Leaving court my ex was just standing there – that should have been avoidable/avoided.**

Being at the remote
Site meant we didn't
know what was happening
So I was really worried when
we were waiting, I thought
he hadn't turned up or I
was going to have to
come back. Communication
with court would have
helped.

Safety measures in
court? What about
in the car park
after the case!!!

PRIORITY 6

TRAINING

Provide robust training for professionals to improve early intervention and justice responses to gender-based violence



Children and young people identified the following as important areas of training for professionals:

- Gender-based violence.
- Early intervention, initial response and safe information sharing.
- Understanding children's lives, diversity and best practice in taking children's and young people's views and listening to children and young people.

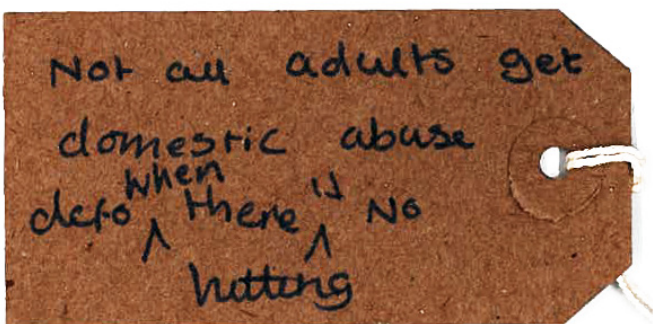
The most important professionals to receive training were identified as: those who write reports for court e.g. child welfare reporters, social workers, safeguarders; Children's Hearing Panel members; Sheriffs; Lawyers; Police; Teachers and community staff (e.g. sports coaches).

Evidence

Children and young people felt that there continues to be a lack of understanding amongst professionals about GBV. They wanted professionals outwith the justice system, particularly teachers but also social workers and youth workers to have a better awareness of domestic abuse and sexual violence so that children felt able to disclose abuse to them:

“ Can't speak to teacher because they wouldn't understand.

“ Teachers should have, like, a basic understanding of sexual violence.



Children and young people also identified the need for more training for justice professionals, including Sheriffs: “judges don't get domestic abuse”. They gave numerous examples of a lack of understanding of abuse, danger and trauma:

“ Reporters have a lot of power but don't really use it for the benefit of children. They usually do what the man wants because they don't really know about domestic abuse.

“ On one of the [Children's Hearing] panels they made my mum sit in with my dad even though she didn't want to. The panel members did not care that he was violent to my mum. She was traumatised. The panel members need more training in domestic violence to understand it's not as simple as a man hitting his wife, that it is more than that.

Children and young people felt strongly that professionals should be trained to recognise signs that a child may be experiencing abuse. There were many examples of schools failing to spot early signs of abuse or cries for help. Bruises, refusals to undress, heavy make-up, sudden changes to behaviour/achievement, truancy, crime were ignored, unnoticed or punished - the focus becoming the child's behaviour rather than asking the cause of it.

“ I kept running away but no one ever asked why, the world speaks to my mum and dad about my behaviour but not me. I was running away from him and what he was doing.

Professionals should be trained on appropriate ways to respond to a child disclosing abuse and safe information sharing. Most important was to listen (calmly) and believe, whatever their age:

“ I think that age comes into this a lot...I'm young, no-one's going to believe me, I'm still at school...it's like, 'Oh she's just attention-seeking.'

Professionals should also recognise children's fear of informing parents/others. Some children would not tell teachers or police because they were convinced they would immediately tell parents or separate them from

PRIORITY 6 cont...

TRAINING

Provide robust training for professionals to improve early intervention and justice responses to gender-based violence



their mothers. Some felt some professionals, including social workers, blamed mums: "they [mums] don't fail children, dads who hurt fail us, they have to focus on what dads who hurt do". There were various examples of children not being taken seriously, the child being silenced, often for years, and further abuse happening as a result:

“ I spoke to social services about what happened at home. Nobody listened or believed me. They phoned dad and he hurts me so much at home. Nobody listened, I felt scared and sad. I felt betrayed and unworthy. Believe when somebody says something.

There were examples of justice professionals sending letters to both parents, sharing information about where children were living or which agency they were receiving support from, which children and young people reported put their families in more danger. Children and young people also felt they didn't recognise or stop abuse happening during the justice process, e.g. emotional abuse in a hearing.

“ People in the children's panel, police and judges need to be trained in what is domestic abuse, they don't know how scary it is for me and mum.

Some children spoke about justice professionals not understanding what it was like to be a child and what was important to them; how abuse affected them and how difficult it was to talk about it. BME children added that professionals needed to know about "family rules that are different from Scottish family rules" and suggested "Sheriffs need to be made to come to training so they understand my culture." Many children and young people spoke about being intimidated, silenced or hurt by the way they were asked to give their views and by the justice professional asking the questions. Many children felt there should be more friendly interaction and that professionals should find ways to talk to them and ask questions that were less traumatising:

“ You get trauma from the bad person then more trauma from the people in the system.

Just because we are children doesn't mean you shouldn't take us seriously.
When I was at court the male lawyer was really intimidating.
I want this to change.

PRIORITY 7

ACCOUNTABILITY

Justice agencies need to hold the perpetrator to account for the abuse and ensure that young and adult victim/survivors do not feel to blame or on trial.



Children and young people identified key actions to ensure perpetrators are held accountable for abuse:

- The perpetrator's abusive behaviour should be the focus, including during and after the court process, and victims should see that the perpetrator is held responsible.
- Victims should not be made to feel to blame because of the way they are treated during the process, especially when giving evidence.
- Tougher sentences and contact awards that take seriously how the abuse affects the whole family.

Evidence

Many young victims of gender-based violence felt that there was an unfair focus on the victim through the process (e.g. on their behaviour, actions/'inaction', on them proving the perpetrators behaviour); many felt to blame or 'on trial' whilst feeling the perpetrator's behaviour could become invisible. A common feeling, especially but not only amongst rape victims, was that "it feels like they are on his side". Several factors in the criminal process contributed to this: treatment by justice professionals, intimidating and "surprise" questioning, unsafe and unwelcoming spaces, waits, lack of access to legal aid and not feeling any justice professional was "on their side". They felt perpetrators were more informed, more prepared and better represented with more choices:

“We should be looking at dads behaviour not mines and mum. We seemed to get the blame.

Children and young people felt strongly that perpetrators were not taking responsibility for their actions or for changing their behaviour. Some young victims wanted their abuser to accept blame and apologise to them as part of this process.

“People who did the bad stuff need to know they have done something wrong and say sorry, it's not justice if they keep doing it.

Instead some felt perpetrators used courts as "a tool of abuse" and should be punished for the many examples of "intimidating and scary" behaviour during the process.

Young survivors described the experience of being a witness as traumatising and unfair, feeling scared and intimidated by the defence and the perpetrator:

“Being a witness feels like being attacked and the accused can bring up anything and know what their lawyer is saying but you have to be surprised and called.

Some young people who had experienced domestic abuse, rape and sexual assault felt they were blamed, due to having a relationship with the perpetrator. It was often the nature of questioning that caused these feelings.

Those experiencing domestic abuse also felt their mothers were judged, blamed and put in unsafe situations through police, court and Children's Hearing processes. This further traumatised the family. They felt mothers were important but weren't respected and "got into trouble" for trying to protect and care for them: "she got blamed for what was happening and he was invisible". Many young people felt the criminal and civil systems did not consistently hold the perpetrator accountable for abusive behaviour:

“Courts for contact need to know what my dad has done to me and my mum if he has went to court for being bad ...they need to know...focus on dads who hurt not mothers and children.

Many children and young people felt there were no real consequences for the perpetrator: they agreed that sentencing and contact awards did not reflect the seriousness of the abuse and the impact of the perpetrator's behaviour on young victims and families. Many felt Sheriffs should punish perpetrators to make sure children were safe. For most, being safe meant jail sentences and no contact. Some felt that stronger, consistent sentences would work better as a deterrent. Many feared further contact and abuse.

“Courts have to change their sentences, a fine is not enough for what he did, he doesn't care about a fine, he isn't scared of a fine.

“My life would be so different if he was in jail. I wouldn't be so aware of who was around when I go out with my brother and sister.

PRIORITY 7 cont...

ACCOUNTABILITY

Justice agencies need to hold the perpetrator to account for the abuse and ensure that young and adult victim/survivors do not feel to blame or on trial.



”

You go through court and he still comes back and he still uses stuff to hurt us.

These fears were amplified for those who then needed to navigate the family law system or the Children's Hearing system in relation to contact. Within these systems children felt there was another opportunity for the perpetrator to abuse, for his crimes to be invisible and for women and children to be traumatised. Some gave examples of how the systems failed children by not speaking to each other

”

I get a screen in court to protect me from him as I'm scared of him but now I have to fight to not have contact with him, why?

Children are used during contact to Abuse more. The Contrasting behaviour decent stop because mum and dad don't live together

We should be looking at dad's behavior not we seem to get the blame... and mum

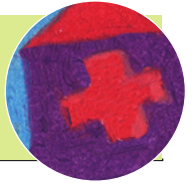
Abusers shouldn't get legal aid! My mum didn't get it to try and keep me safe. He should not get it after hurting me

Abusers should be getting more than a fine!

PRIORITY 8

SAFE CONTACT

Children and young people need choice and control over if, when, how they have contact with an abuser and this should be monitored and reviewed alongside the child or young person.



Children and young people recommended action on unsafe contact with perpetrators:

- Children should not be forced into contact with a perpetrator. For children who don't want face-to-face contact, this should be respected and, if safe, other methods such as set phone times/letters could be considered.
- Children should be allowed not to attend court-ordered contact time if they don't want to go on a particular occasion.
- Increases to contact time happens too quickly. Overnight contact should only be considered after a long period of increasing contact, where no concerns are reported.

Sleepovers can be very scary for children who are still building trust.

Evidence

The key message from children and young people with experience of court ordered contact was that they did not want to be made to see the perpetrator. Once the abuse is known to any justice professional, they do not understand why they have to fight not to have contact: 'courts for contact need to know what my dad has done to me and my mum'. Some children and young people reported that dads had used contact to further abuse and control, and to ask prying questions:

“The controlling behaviour doesn't stop because mum and dad don't live together.”

Some children mentioned the poor quality of contact, such as not being allowed to play or being ignored. They felt silenced by a process that had not adequately listened to them or their mothers and that they could not challenge decisions they felt were unsafe: “adults want us to shut up”. Some suggested more use of children's own representation and appeals, as court reports and decisions were not taking their views seriously or keeping them safe.

Children and young people wanted more flexibility about contact: “I feel I don't get a say in when I see or if I want to see him”. Some preferred to spend time with mum, family or friends at the weekend or didn't want to go because they were scared after the last time. They wanted more flexibility and to be able to say no but felt they had to do what the sheriff said, even when it was making them scared and unwell: mum gets into trouble when I don't want to go to contact.”

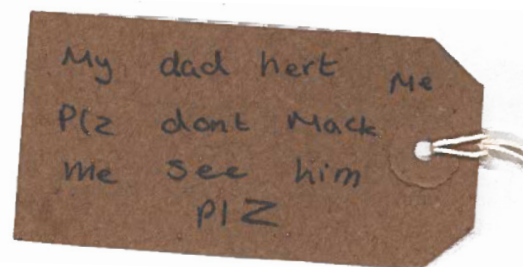
Some children hadn't seen their dad for months, some had reported him, made statements 'against him' and/

or gone to court to give evidence and were scared to be alone with the perpetrator.

“When you are made to see dad you are alone and mum isn't there to protect you and you are stuck with him...”

They felt any contact should be gradual and other ways could be considered (set phone time/letters). Children were particularly scared that they had to spend the night with the perpetrator and without their mum. They felt sheriffs should only consider overnights after a long period of contact that the child reported had gone well. They felt someone should be regularly checking the child was OK and some suggested that the Sheriff

should have regular updates on the child's life.



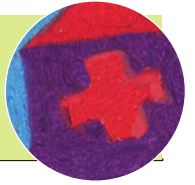
One group advised justice professionals to listen to the Power Up/Power down recommendations, which is supported by the programme team. In recognition that the in-depth 2017 participation project Power Up/Power Down¹ highlighted 27 children and young people's issues and recommendations in relation to court-ordered contact, the justice sessions sought to focus more on other areas of the justice system. Yet for many children and young people experiencing domestic abuse, ending unsafe contact remained their key recommendation for change.

¹Power Up/Power Down is a joint project by Scottish Women's Aid and the Children and Young People's Commissioner for Scotland that worked with 27 children and young people to explore how to improve court-ordered contact processes in the context of domestic abuse. The findings and recommendations have been made into a series of short videos that can be accessed here: <https://www.cypcs.org.uk/policy/domestic-abuse/power-uppower-down/videos>

PRIORITY 9

PARTICIPATION

Children and young people with lived experience of GBV need to be involved in improving the justice system through direct dialogue, a justice young expert group and co-developing resources



Young survivors of abuse highlighted these main areas of participation for children and young people:

- Involve children and young people with lived experience of GBV in improving the justice system – justice professionals should have direct dialogue with children and young people around this.
- Set up a young person's advisory group on the justice system.
- Involve children and young people in creating resources and educating all children and young people about the justice system.
- Ensure people in power speak directly to young survivors about their experiences/recommendations, feedback what has changed and include young survivors in action.
- Make changes now "led by children's views, implemented by adults"

Evidence

Children and young people felt that justice professionals should speak directly with children and young people with lived experience of GBV and work with them to improve the justice system:

” **Get young people involved who have experienced abuse, get a group together to help people in power, they will know how we are feeling, they know best.**

They also felt that dialogue could improve how justice professionals are with children and young people and this could assist with changing the way justice professionals interact with and listen to children and young people. This could be useful in their training and training resources.

” **Lawyers and sheriffs should be less intimidating... [they] could do this with help of speaking to children.**

They felt that children and young people with lived experience of GBV could be involved in developing awareness-raising and education materials to ensure they are accessible and relevant to children's and young people's lives.

” **Sheriffs and lawyers should be involved in focus groups with children to identify changes needed to the system and to help decide how best to listen to children's views. Support agencies could help facilitate this.**

get young people
involved, gets groups
together, like things
they know best
as they have lived
it

Professionals should
interact with young
people rather than
just 'listen'.

This is Bob my friend
who helps me listen to his
advice.

the choice to write or speak
to a sherrif

listen to both
parents but especially
my mom cause ^{dad}
tells fibs.

Sherriff should
meet the child

childrens
views should
be listened to

To listen to childrens
opinions

listen to childrens
support workee.

(LISTEN TO INGRID)

support from
lawyers, curators
support workee, Mum



It is sooo important that Adults and children
to work together to make change happen.



Conclusion

Children and young people identified several areas where the justice system can be improved for young survivors. Coming across strongly from groups was the need for more accessible, child-friendly and victim-centred information and processes, and the importance of professionals being knowledgeable about GBV, children's rights and meaningful participation. Children and young people emphasised the importance of choice throughout their justice journey to help them feel safe and more in control. There was huge emphasis placed on specialised support from a trusted, known person all the way through their justice journey, and the

importance of taking into account trusted adults' views when making decisions about children's and young people's lives.

In particular, children and young people expressed great frustration at not being listened to, taken seriously or being believed. Those involved unanimously asserted the need for children and young people to be taken as seriously as adults in the justice system and for their wishes and views to be respected.

Thank you. Thank you. Thank you.

Thank you to all the children and young people involved.

Thank you to their support and advocacy workers, without whom this would not have been possible.

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Thank you from the Scottish Government for your contribution that will help ensure Equally Safe deliver real change for children and young people.

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More information

For further information on Everyday Heroes including further reports on services and gender equality see everydayheroes.sps.ed.ac.uk.

More about the eca students and their work can be found at: www.illustration.eca.ed.ac.uk and if you would like details of particular illustrators contact Illustration Lecturer Harvey Dingwall h.dingwall@ed.ac.uk.

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