

Domestic Abuse

Scottish Women's Aid

How the Domestic Abuse (Scotland) Act 2018 will affect women,
children and young people.

National Definition of Domestic Abuse

Domestic abuse, as gender based violence, can be perpetrated by partner or ex-partners and can include physical abuse (assault and physical attack involving a range of behaviour), sexual abuse (acts which degrade and humiliate women and are perpetrated against their will, including rape) and mental and emotional abuse (such as threats, verbal abuse, racial abuse, withholding money and other types of controlling behaviour such as isolation from family and friends).

Source: National Strategy to Address Domestic Abuse in Scotland. Scottish Partnership on Domestic Abuse, Edinburgh, November 2000.

Coercive Control

- Domestic abuse is best described as an ongoing process, rather than individual incidents, where perpetrators use a range of tactics including, isolation, degradation, mind games and the micro regulation of everyday life such as monitoring phone calls, dress, food consumption, social activity etc, as well as constant criticisms of the victim's actions (Stark 2007)
- Physical violence is often, but not always used in this process. These actions frighten and confuse the victim, creating uncertainty and ultimately compliance with the perpetrator (Pain 2012; Williamson 2010)

What domestic abuse is and isn't

•Situational Couple Violence –

- *Perpetrated in equal numbers by men and women*
- *Violence that is expressive*

•Intimate Terrorism –

- *Perpetrated overwhelmingly by men*
- *violence that is functional/instrumental*

•Violent Resistance.

- *Perpetrated by those experiencing intimate terrorism ie overwhelmingly by WOMEN (Michael Johnson, 1995)*

Domestic Abuse as Intimate Terrorism

- Or 'everyday terrorism' (Pain, 2012)
- Tactics of a hostage taker and responses of a hostage
- Physical violence (if any) that is functional and creates a realistic threat
- **Keywords – fear, entrapment, control, surveillance, creating compliance, rules, intimidation, isolation, threats, degradation, power, seeming omnipotence, stalking, micro-regulation.**
- Results in a lack of space for action.

Traumatic Attachment

- Psychological strategy which permits emotional and physical survival in conditions of captivity:
- Bonding with one's captor
- Intense gratefulness for small kindnesses
- Denial of violence and harm
- Hypervigilance with respect to the captor's needs and his perspective on the world
- Seeing the captor as protective
- Long term fear of retaliation
- *Graham et al 2004*

It's when you hear the key in the lock and you start to shake

It's when you can't phone anyone because he's put a lock on it

It's when the kids are standing in front of you trying to keep him off you

It's when he's locked all your shoes in the wardrobe so you can't leave the house

It's when he phones and texts when he is away 'just to check where you are and what you're doing.'

It's when he throws his plate at you because he doesn't fancy what you spent the last two hours making for him

It's when you start and end every day feeling sick to death

It's when you worry what will happen next... all the time

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Why is the new offence important?

- Moves away from discrete incidences of violence and focusses on the course of conduct
- The Act recognises that physical violence in the context of domestic abuse is interwoven through with intimidation and control and degradation and isolation which captures the whole gambit of impacts on the victim
- Non-harassment orders provide an important and potentially lifesaving protection for victims because of the conditions that can be imposed on the perpetrator
- Aggravation in Relation to a Child

The Domestic Abuse (Scotland) Act 2018 is ground-breaking in many ways, it was developed from extensive collaboration between the Government, police, the legal profession, other statutory bodies and 3rd sector organisations, both those involved in VAWG work and children stakeholders.

The integrity of the legislation is strengthened by voices of women, children and young people who campaigned and shared their stories, and been a part of the Women's Aid movement for the last 40 years.

It is empowering for women, children and young people supported by Women's Aid in Scotland to know that their lived experience of domestic abuse is now a criminal offence.