



IJCC seminar A Strategy for Transforming Child Contact Systems: Improving Justice in Child Contact

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[Improving Justice in Child Contact](#) is a project exploring child contact decisions in families affected by domestic abuse. It is funded by the European Union's Rights, Equality and Citizenship Programme (2014-2020). Child contact is understood to be the systems and court processes which decide whether and how a child sees a parent that they are not living with.

It is a partnership project across Bulgaria, Cyprus, Portugal, Romania and Scotland.

What follows is a transcription of the recording of our webinar "A strategy for transforming child contact systems: Improving Justice in Child Contact" on the 9th November 2020. The parts that show videos of young people in their avatars at the webinar have been deliberately removed from both this recording and this transcript in order to protect their confidentiality.

Marsha Scott: Hello everybody. My name is Marsha Scott. I'm the Chief Executive of [Scottish Women's Aid](#) and am immensely proud to be talking about this project and to be sharing some of our learning around systems change and child contact in the context of domestic abuse. There's a number of things. There's Zoom keeping issues that I will just touch base on now because otherwise I'll forget. So if you could just take a look at this slide and everybody please be pretty mindful, especially about the muting, just because we're expecting to have more than 50 people on the seminar and it just helps to manage the noise issues. We have a couple of very incredible helpful women who are in the background who are gonna help if you're having any technical problems. So just put something in the chat and somebody will help you out.

I am going to remind you we are recording this and we will share with everybody who's attended some time after the seminar. And that's because we need to pull the videos from the young experts. Even though they're using avatars, we are absolutely committed to protecting their safety and confidentiality in all of this. So we're going to pull that out of the recording before we send it out. And also on that note, thank you for reminding me. Please do not screenshot any of the avatars from the young experts. You'll see what I mean if you haven't seen them yet or tweet about them as they are keen and we have a contract with them that we will protect their identities as our first priority. So I think we just also need to point out if you are on Twitter, however, please feel free to tweet about anything else because we think getting the word out about this project is really important. And also to the organisers here, if you could keep an eye on whether Humza has joined this because I just want to do a big shout out to the Cabinet Secretary for Justice who's joining us from Scotland. It's important to mention, I suppose, that the Scottish Government is our public partner in this project. Every country had to have a public partner. We're really pleased that the Scottish Government is our partner. So we are being joined today by Humza Yousaf who is our Cabinet Secretary for Justice. Oh we see him! Great! Hello Humza! And the Minister for Older People and Equalities, Christina McKelvie, who is also with us. Humza can stay till, I think, about 11. So we've put in some time for you to share reflections, Humza, before you go. And Christina may or may not want to do some reflections at the end also.





So now we're going to do what we hope is a seamless transition into my slides. I'm going to speak briefly and you're all saying to yourself who know me, 'Yeah, sure you are.' And just do a little background setting, And do feel free to let me know. There we go. If you can't hear me or there's some other thing because just as a reminder. So the background to this project, it goes back what we raised actually a wee while or I'm in Shetland right now, so 'a peerie' while is how we would say it here. And I think the most important thing to know is that we have had evidence of system failures around appropriate responses to children and their mothers in civil courts and civil decisions about contact of children with perpetrators of domestic abuse. Over many years, we have libraries of evidence that this is a significant problem. It's a problem on a number of fronts: for instance, a problem as a human rights issue in terms of children having the right to weigh in and to influence decisions about their lives, which has been really absent from pretty much every process across the world that we've seen. And women's rights to be protected from abuse and violence. And that the evidence is not only that human rights are violated routinely in every court, in every jurisdiction that we know of but also that women and children experience significant further abuse as the mechanisms of child contact play out that are ordered by the state.

So, this has been a 'wicked' issue, been identified for years, but really no significant progress in any jurisdiction that we know of across the world. And in Scotland, we have been very well aware of it for a long time, and talking about it for a long time, but really not having a good strategy for changing the system. And part of what makes it a 'wicked' issue, of course, is that it's complicated, it's complex and involves interaction of multiple elements of a system – the court system, the social work system, the third sector, services like Women's Aid ... a whole variety of mechanisms that in and of themselves, even if you can change them and make them work perfectly, would not significantly improve the experiences of women and children living with domestic abuse. So the other piece that's really important to make sure you understand, especially if you're not from Scotland, and actually probably even if you are from Scotland and you're not doing this work routinely, is that this work is all carried out in a policy context that we have had in Scotland since about 2000, in which we had defined the cause of domestic abuse and other forms of violence against women as women's inequality and the historical oppression of children and women. And so we do understand that in order to solve something, some 'wicked' issue like this, we need to be very mindful of the gendered dynamics of domestic abuse and of the other elements of inequality that women and children live with like poverty and a lack of power when decisions are made, both about resources in their community, but also about things that affect their lives.

So in Scotland, a few things were happening in parallel that allowed us to successfully host, I think, with the University of Edinburgh, this project. So they had to do with a piece of work, both done separately, two pieces of work really, one by Scottish Women's Aid, and the Women's Aid network. So we have 36 services around Scotland, and one also by the Commissioner for Children and Young People in Scotland. So we're doing separate and joint work. And I've referenced some of them here. So you'll have it there in the slides when you get the recording of this presentation. But there was some really, really helpful research commissioned by the Children's Commissioner around [child contact proceedings](#) and Kay Tisdall who you will meet later if you don't know her was a co-author of one of those reports, and the other one was done by Kirsteen Mackay and it looked at the fact that the operation of civil processes in terms of private law and child contact were very biased towards giving contact to abusers with their children, even when children and non-abusing parents felt that that was a danger, and yet nevertheless contact would happen consistently. The other piece of parallel work that was happening at the same time is that the growing and emerging power of children's and women's participation in the policy-making of Scotland. And I think we've had less impact





on practice but some, and that is really an emerging story here. And these are just some of the logos from some of the work that's been done.

And I'd now like to just draw your attention to the '[Super Listener](#)' in the middle and [Power Up/Power Down](#) which is over in the bottom right corner. Because those are the two pieces of work that were part of the offerings from Scotland when we got involved in the [IJCC](#) project as models for things that we think work that we were offering to our partners. So we created the [IJCC](#) project. And I put up, "Nevertheless, she persisted" here because ..., it's notable that this was our fourth application. And I think Susana Pavlou from Cyprus and Sarah Morton who was doing the first one, I think, at the Centre for Research on Families and Relationships, were involved in all four. The other cast of characters has changed over time. but we finally prevailed and I have a big nod of thanks to Kay Tisdall who I think is the one who's unlocked the door for us by just doing an amazing job of managing the application process and of co-managing with me the subsequent project.

So the key elements of the [IJCC](#) project is that we've involved Cyprus, Bulgaria, Romania, and Portugal (did I miss one of the countries in our notes? No. 1-2-3-4-5. Okay, good.) So there're five countries. It's all set in a gendered analysis, which matches the United Nations' understanding now 25 years on, 30 years on, about what's the cause of violence against women, and then, therefore, what's our challenge for understanding how to eradicate it. One of the principles of the project, in addition to that analysis is gendered, is that because there's a 'wicked' issue, we need to develop, if we don't have them, we need to develop relationships, working relationships, and a shared analysis with a whole set of multi-agency stakeholders that include our prosecution functions, our officials in the Scottish Government in Scotland, but also in local governments, both local government and national government, social workers, police. Note all of the actors who have responsibility for ending domestic abuse and for helping children and women realise their human rights. The participation projects, we offered two of them. And then another model has two things that seemed to offer great potential in Scotland. And I am not saying that we have solved this in Scotland. We're at the very beginning steps down this path. But we do know some things that seem to be working in some places, some of that time. So two of those things were, one was the [Power Up/Power Down](#) Participation Project, which provided us with really powerful stories that helped people understand why child contact was such an important issue. And also the development of a role in West Lothian Council of the Domestic Abuse Specialist Children's Rights Officer, who helped the system hear children's stories and hear what children are asking the system to do, which is to listen to them and to be influenced by what they want. So we offered those two options. And I'm really excited to say that our partners in Bulgaria, Cyprus, Portugal and Romania have done incredibly creative things with those options, which you'll hear more about today.

So with that, I'm going to hand over to Sarah Morton, who will tell you quite a bit about what we have learned from this and how we learned it. Sarah, over to you.

Sarah Morton:

Good morning everyone. Lovely to see so many people from lots of different countries this morning. So I am going to share my screen and tell you a little bit about the evaluation of this project and how we went about it, and a little bit about what we've learned. But just to remind people we're also going to hear directly from some of the countries about what they learned as well. So, so I put the title about telling the story of a complex project because as Marsha's already said, the whole kind of ethos of this project was to inspire countries to take appropriate action, and that included allowing people in those countries to reflect on what was going on for them and what we call in Matter of Focus 'Do the right thing' because the right thing isn't going to be the same in all these different places. So unlike other approaches to kind of scaling some things or finding something that worked well as it did in Scotland and then spreading around,





it's much more likely to be effective if we allow people to do this real reflection in their own contexts. But of course, it makes it much, much harder to understand how change happens and much harder to evaluate what change has happened. And so in this sort of project, there's no direct cause and effect. It's not like we all did the same thing and then we measure an effect. Instead, we need to focus on a contribution. So how is it in each of these places, that taking part in the [IJCC](#) project, that taking ... pulling people together across different sectors to think about these issues involving children and young people in a way that's appropriate in the particular context, is moving towards a change or making a contribution to change. And I put the pebble, I put the ripples' picture up because I feel it's a little bit like you're throwing stone into a pond and all of these ripples are going to happen, but it's much, much harder to capture those. It is much harder to understand them. So rather than a kind of cause and effect mechanism, it's much more like this kind of ripple effect. At Matter of Focus, we specialise in trying to understand these kinds of approaches. And we do that by helping people tell a contribution story and evidence-based contribution story using these headings that you see on the screen. And we've spent a long time making these headings very simple but they kind of embed quite a deep thinking around contribution analysis, around what is change like when it's really about people working with other people. So we think about what we're aiming for, what is it that we're trying to change in order to make that better. And then we think about what is it we're delivering, and we go through these different levels of outcomes, if you like, around engagement, involvement. Importantly, we have this step called 'how they feel', which is how people react. We only get change in this kind of systems, in these people-based systems, if people engage positively with the change process and say, 'Yes, we can do it.' I'm going to talk a bit more about that. And then we look at these different levels of outcomes. So learning outcomes around what knowledge or attitudes or skills or capacities people gain. And then we look at what people do differently, so what policies or practices change.

So that's the framework we're using for this project. And using a framework like this has a couple of benefits. The first one is that you can set this up at the beginning and it can help you really focus on what you need to know and also on just thinking about how you're going to get there. So the core team here in this project set up this, what we call it outcome mapping in our language, at the beginning of the project. I know it's not that easy to read, but just to give you a sense of ... it sets out the activities around showcasing models of children and young people's participation, supporting countries to try out models of participation and action, coordination, etc., and going up to these high-level outcomes of policy and practice change. And you'll get the slides after, so you're able to look at that in a little bit more detail. Just to note though, we use this as a framework at the beginning to think about how are we going to do this. And the colour coding there is, over time you can build up, we have a software tool that helps you build up the data and evidence sitting behind these and rate how good is our progress and how confident are we in our data. And so for projects like this, you need a kind of different approach to data evidence and feedback. It's not going to be possible to sort of measure a snapshot at the beginning and a snapshot at the end because it's system changes. It's just not possible to do that. So instead we take an approach which is like thinking about the reach of the project. That could be a really important way of understanding the kind of scale of it, and then assessing these different levels of outcomes. So learning outcomes and behaviour change, outcomes of policy and practice change outcomes, and trying to get feedback in ways that can be pulled together across countries. I must say in this particular case is quite challenging actually when you've got five different places doing things in different ways. This was a very small evaluation pot. It was quite light touch. So we really relied on all of our colleagues here on the call today in these different countries, collecting their own data, making sure they got good feedback as they went along so that we could actually tell the story. And with more focus on qualitative data, so





we are telling this contribution story, rather than quantitative data. So I'm going to go now to talk a little bit about what we actually found out while we were doing this.

So the data we collected, we did some ... some initial comparison across countries, which is mainly in the meeting, the first meeting where all the partners got together in February, just to think about what was similar and different in the different systems, and that helped frame some of the other bits of data and information that we got across the project. There was stakeholder events in all of the countries, as Marsha described there. So getting people together across different sectors to look at this problem and think about what sort of action was required. They played out quite differently in different contexts. It was much more challenging in Bulgaria and Romania, because it wasn't really a tried and tested way of working. It was in some other places that were more ... There were more events in different places, but basically we agreed at the beginning that at each event, there would be a set of feedback. And we managed to agree what that would look like. And we managed to get most places to fairly consistently collect that feedback directly from people who came to the event. So we've got some fairly good information from that. And we did some sort of partner activity update. I mean, even keeping track of all of the amazing work that's been going on across all these countries and how it's been playing out is quite challenging. So you can see, you know, how that's worked at different places, just kind of keeping on top of that.

And then we did a little bit of work with the young advisors, the [Yello!](#) group in Scotland, who were advising the overall project. We got them to look at the outcomes map that I showed you in the previous slide and say, 'Okay, does this ... is it right here? Is this how you think this project should work?' and really get their feedback and input.

We did two stakeholder surveys, one in November last year and one in August this year, which went out in all the right languages, for all the different countries. I'll tell you a little bit more about that in a moment. And we've done some interviews with partners via video calls in October to try and do some kind of summative, more summative evaluation of what's happened in each place.

And what I'm going to talk about in the rest of this presentation is these three kinds of levels. And so I'm going to talk a little bit around who was engaged and what their reactions were, and how they felt about being engaged. I'm going to focus a bit on the learning and capacity-building outcome. So what is it that people felt they gain from this project? And there're some interesting international things there that I think about the role Scotland took in leading this and being seen as a kind of front-runner in it. And then focusing more, a little bit more the policy and practice outcomes and the contributions. And note, I'm using that word because it's not cause-and-effect in some of the legislative and practice changes that we could see happening. And I've nested those on purpose because in a way, the wide reach is important so that some people learn and gain things, so that some people are able to take policy and practice forward. So you have to have that wider reach in order to capture people, but not every single person you reach is going to be doing things. It's some of them, enough of them have got to do some things to kind of start shifting system.

So if we look at the kind of number of stakeholders engaged across the different countries, this is more or less what it looks like. It's still quite challenging to get this right because, of course, we're not tagging people and following them up, you know; so we're getting this feedback and trying to analyse it and make the best job we can of the number of stakeholders engaged. And you'll see it's quite variable in different countries, different sizes of countries and everything and having an effect there. And if we look at who they were, we spent a long time coming up with this list that would work everywhere, which also was a little bit challenging because what you





call local or national is complicated and what their kinda different services are. But you'll see that across all of the places it was definitely about bringing multi sectors together. And we got a pretty good reach across these different sectors. And the European Commission asked us to try and get some sense of how many women and children would be within this reach. So we did something which, I'm just putting a bit of a health warning on the statistic of 45,000 because we asked people who came to events to say how many women and children did they work with. So it's a kind of real finger in the wind sort of number that across these organisations between them, they're working with 45,000 different women and children and probably more because someone didn't report on that at all.

So in terms of reactions to events, what we found was people really enjoyed the opportunity to share good practice and talk about this issue and get their teeth into this issue. And some of the partners were really pleased about the level of engagement they got and this is one of the partners ... a quote from one of the partners saying, 'People got really engaged and they were really pleased to be part of it'. And people really commented a lot on how good it was to make these connections. And particularly, there's a lot of comments in the stakeholder survey, about being able to build relationships, particularly the police come out quite often, as they didn't really have contacts with the police before. And so having that was really important. And I think that's quite also quite an interesting learning from Scotland because they'll got a little bit of a longer legacy of working across that boundary here. But for a lot of people that was quite new.

And when we look at what people were learning, and that was a lot of comments about how much they learn, about the whole issue of child contact in the context of domestic abuse. But some people, it wasn't an issue they've really thought about in any detail. For a lot of people, it was something that they wanted to learn more about. And there was quite a lot of comments about cross-country learning and making links. So people from different countries went to some of the other stakeholder events, and then Marsha went to a few. So this sense that, 'Oh people have addressed this problem in another place. We can do something about it.' I think that thing about inspiring people is a really important part of this.

People commented on how important it was to spend time with other agencies, actually diagnosing these system problems, and spending time really thinking about, 'Okay, well, what is it about social work and the health service or social work and the core service that is rubbing up in a good or bad way? Where is it going well? Where is the real issue?' And from each of the stakeholders ... from the stakeholder events, each country built up an action plan that sets out what needed to happen, not just a lovely partner agency in this project, but also all these wider agencies. And what we found when we've done system mapping here before is that really helps people just to take their head away from their own role and look at the system and think, 'Okay, this is a system problem. It's not a problem with me and what I'm doing, it's actually something bigger than that. And we're only going to solve it by diagnosing it like that.'

And I suppose one of the things people felt they'd gained was this kind of connection with agencies who can help move the problem forward. So it wasn't just, 'Oh, it's good that I now know these people', but actually together we can work on these things so that's what people really felt they'd gained. And you can see in the slide in the graph on the left, that's from the second stakeholder survey, asking people if they thought that there was more awareness that child contact orders can be dangerous for children and families where there has been domestic abuse. And you can see a bit of movement on that across every place. So it's a bit variable. But that was in the timeframe of the project we asked that question.

And then if we look a little bit more about raising awareness of the issues across all of the countries in the stakeholder survey, people reported more awareness of the fact that children





have a right to express their views about contact with their parents. And the fact that children are harmed by living in families where domestic abuse is going on between their parents. So that was something that, you know, children are quite often seen as a sort of bystanders or witnesses, it is not really direct harm, but actually that view had really ... there was much more awareness of that issue and how it affected children. That actually it was a problem for the children as well. And also the issue that children are safer when their mothers are helped to be safe was one of the issues that we identified across the countries. And over the time of the project, there were some more awareness in every place of that issue.

And then when we look at a little bit more of an arc, sort of overall practice and policy change in every single country, that's been part of this project, there has been improvement to the laws and policies to protect women and children in the context of domestic abuse. And of course not all of those are directly related to this project and there was quite a lot of talk about this in the Istanbul Convention, and in some countries this project landed in a very conducive time where there was some more awareness of domestic abuse. It kind of used that as an 'end' if you like, to this whole issue and spending more time thinking about this issue.

Every country involved in this project talked about improved or implementing training for professionals. So either there was training but it wasn't very well implemented or it wasn't really addressing the issues as they were then seen by the Forums. And so there's been some improvement in training everywhere during the time of this project.

And I'm going to give just a few highlights because I felt a bit weird just to miss this completely but all our partners are going to talk more about it. But just to give you a very quick taster, in Bulgaria, there's more specialist training and they're working towards improving children's experience in the courts and, in Cyprus, as a children's right service officer specialist that's coming into post. In Scotland, you know, the young people you had the young woman earlier talking about, talking to the government. And so they've been involved in influencing the Children (Scotland) Act. In Portugal, there are several new laws that take children's rights into account. In Romania, there's improvements to how children are treated in the court system. And I think the other thing that's really important to take account of is that this is a fairly short project. It's slightly less than two years now and everyone was saying, 'Well, we're actually just getting started them.' And I think the thing about throwing the stone into the pond then letting the ripples go is that actually that there will be further impacts in the future. This issue has been put on the agenda through the work of this project, and all of the people who've come to these Multi-stakeholder Forums have a sense of, 'This is an issue. We need to do something about and we need to solve.' So I think that everywhere, every country was saying, 'Oh yeah, we think that we prefer that work in the future. There's quite a lot of other work underway.' And I think it'll be interesting to be able to come back here. And I don't think that's going to be possible but we wish to come back in and try and capture some of that in another year or two.

I just want to talk a little bit about the involving children, young people part of the project. This was the subject of a seminar last week (see the webinar '[Children and Young People's Participation is Not a Project, it's a Right!](#)') but I just want to touch on how it sits within the evaluation. So again, this is about inspiring, as Marsha said, people to do something that really pulls children and young people's views into the system. And so the project had this [Yello!](#) group in Scotland which was advising the overall project and also looking at Scottish issues. And the [Power Up/Power Down](#) work of the previous project, that [Scottish Women's Aid](#) had been involved in, was offered up as a model and taken up by several countries. Some of that material was translated. That [Super Listener](#) poster that Marsha showed earlier was translated and given to all of the different countries and used. And basically partners were asked to involve young people in the work in the way they saw fit. And you know, that landed very differently in





different places because, in some places, the whole idea of involving children and young people is much more common than in others. So people took it in different ways. And just to kind of give some highlights, again. So we know that the [Yello!](#) group influences the Children (Scotland) Bill. In Bulgaria, they've been doing interviews with young people to share with judges to help improve the system and recognise children's rights in the courts. In Cyprus, they used the [Power Up/Power Down](#) methodology, and implemented and have been working with the Children's Rights Commissioner to implement some of those recommendations. In Portugal there is a young advisory group that's been working alongside the main organisation. And they want to keep that group going beyond the project. So that's another real legacy of the project. And in Romania, they collected some testimonials, from girls about their experience in the courts. It's going to help inform how the system works. And one of the project partners made this comment, which I've put in a quote there, 'Involving children and young people has made a massive difference. This was a new approach here, but it has helped to put the issues on the agenda.' And I'm sure you agree that, you know, from what we had earlier from that young person, it does really help to focus our minds in some what matters to children and their families.

I'm going to say something about linking across countries because I think it's important that this project is an international project although it's provided such challenges for really understanding how it's made a difference. But what comes across very strongly from all of the data that we've collected is actually having some solidarity on some of these issues can be really helpful because there's quite often a lot of push back on some of these issues as we know. That sometimes being able to say, 'Oh, there's pushback in other countries as well. It's not just us. It's not something that we're doing wrong. Actually, this is a difficult issue.' And being able to have that sort of international sense of something's happened. So examples of how things have changed elsewhere. People also found really inspiring. It's like, 'Oh, we CAN do something about that. Look what's happened in Scotland.' And Scotland was often held up as somewhere where things had got better and people love to hear about that and people went around and talked about that in different places.

The opportunities for learning across countries are also really important because what was found was there were a lot more similarities maybe than differences despite its hugely different contexts. The sharing of ideas about actually having to do things was important and being able to point to and draw from international expertise. So actually being able to say to the government in one place, 'Well, look! They've done something here. Look! They hear some international experts who really understand that.' This has been really important.

So my concluding slide. I've put up a slightly different ripple model because I think it's not just the one ripple. It's the way that all of these different projects interact and support and highlight each other. And that the ripples kind of join together into something bigger. So we can see lots of action impacts and potential impacts across this project in these four different places. And the contribution lens has been absolutely essential to understand is because if we'd been looking for data in a traditional way, we would have missed a lot of these contributions. And it seems really clear that there will be further legacies. And I think for me as someone who's like interested in evaluation and change, and how we use evidence and data, I think what's really fantastic about this project is this allowing people to interpret an issue and take action in a way that's appropriate to their context has been what's been powerful and what's really allowed people to do the right thing for the place they are. I suppose that's also not easy. So I think a lot of other countries got involved in this project, they are a bit like, 'Oh, what should we be doing?' And actually giving permission and allowing enough time for people to make that interpretation has meant that what's happened in each country has been really well-devised for that place and





is having an impact in that place. So I'm going to stop there. But if you would like to be in touch with me, here's some details, I'll stop sharing.

Marsha Scott:

So that was fascinating and I've been involved from the beginning and I learned stuff. I think what was ... I'm just going to pick up the piece that I put in the chat and then Humza, I'm going to come to you. But just to say that one of the ... it's so easy to underestimate how important it is to look at systems across different countries. Not, from my learning, not as much because of the differences, but because of the similarities, because that what we're challenging here are centuries of patriarchal systems that have elements that are set up to operate to protect those systems in ways that are not visible to us until we see them in another country. So the thing I put in the chat box was a stunning realisation on my part. And I think everybody in the room when we all got together was that – no matter our different legal histories, our different legal structures – the fact is that in not one country could we hire domestic abuse gender-competent lawyers to represent women and children in child contact cases because access to those lawyers is so heavily regulated. And that was a really epiphany for us, I think, about how the system protects itself. And that we have to find a way to open up that access. So just to say, you know, international work is difficult, is complicated for all the reasons that are eminently obvious to all of us. And yet it is critical.

So there's a question just to remind everybody that we have set aside time for questions, answers and comments later. But because Humza Yousaf can only stay with us until 11 o'clock, we thought it would be appropriate now to invite Humza to share a few words of reflection or ask us questions or ... Humza, really the floor is yours. And we look forward to hearing from you. And I don't have any video for Humza so with that, that would be great.

Humza Yousaf:

Thank you. Thanks a lot. Marsha, good morning to all of you. First and foremost, I hope you're all keeping safe and keeping well wherever in the world you're joining us from and really delighted to hear more about the [IJCC](#), particularly the collaboration, excuse me, includes working with colleagues from Cyprus, from Bulgaria, from Portugal, and Romania as well. So it's a real pleasure that many of you are on the call. As Marshal mentioned, my name is Humza Yousaf. I'm the Justice Secretary, essentially. I have the responsibility for the justice system in Scotland as part of the Scottish Government. And I have engaged with Marsha and our team over a period of years in this role and she's always been a very helpful source of advice, and certainly never minces words and tells me exactly what she thinks and where we can go further. And I really appreciate that and all that can be challenging as a government minister, no doubt. That is absolutely the job of those in organisations like [Scottish Women's Aid](#), and others to push the government, press the government, tell us where we need to be doing more. And, of course, offering constructive engagement, which, again, Marsha and the team of [Scottish Women's Aid](#) do really well.

Can I say that I'm so excited to hear more about what the [IJCC](#)'s recommendations will be, what its findings will be and fascinated by that. Actually, Marsha just references a point at the very end there. The commonalities that you'll find despite maybe very different legal histories, legal traditions. I think really, really, it's going to be fascinating. Can I just spent a bit of my remarks giving a huge shout out to all of the young people involved in [Yello!](#)? It's been referenced, mentioned, of course, the video was played moments ago. Although my colleague, the Minister for Community Safety, largely dealt with [Yello!](#) because she is the ... my colleague, Ash Denham. She took the Children's Bill as it was then through the Parliament. I think there's not a single Parliament item that wasn't hugely impacted, affected by the personal testimonies of children.

I think, as a government, generally speaking, it's a very, very good motto to have that when you create legislation, you should very much be thinking about the motto, that famous anti-





apartheid slogan actually, 'What is about us, without us, is not for us.' And I think that's a really good place to start with when it comes to legislation. And therefore, when you're bringing forward a Bill, we did the Children (Scotland) Bill, now the Act. It's imperative that we listen to the voices of children, not just government, that the entire Parliament, and again, I haven't met a single parliamentarian that wasn't blown away by the powerful testimonies of our young people. And it's an exceptional day when they turned up with all these clothes, of course, to make a political point. Because it's a funny aside, it was a day that give our parliamentary security quite a lot of challenges, which we also remember. Marsha's pointy witch hat, I think in particular, at that time. But look, I really appreciate everything that [Yello!](#) have done for us in terms of informing us. I hope that they continue to give us advice because we're not done yet. There's important implementation of the Act and I'll come to that in a second. Thank you for playing that video.

Again, just I noted that some of the words spoken by the young person and told us by the avatar. And what struck me was that phrase that 'In 2020, women are still oppressed by the law.' It's hugely powerful, hugely powerful and worrying as a person that has the overall responsibility in the justice system. I'd like to think, I'm confident in saying this, that we've made some significant progress over the years in terms of issues that affect women and gender violence. In particular, I can think of again the work that [Scottish Women's Aid](#) had helped us in relation to the ground-breaking Domestic Abuse Act in Scotland. We're committed to take forward legislation and then protection orders. And we've done a lot of good things in terms of vulnerable witnesses, again, through the Vulnerable Witnesses Act and so on.

But as Justice Secretary, I wouldn't ever see that one the job is done or that we are at a place where there are no gaps and, frankly, failures within the justice system on a day-to-day basis for women, for children, and for those who are affected, those women who are affected by gendered violence and violence against women. And so for me, the civil aspect of it is also important because there is perhaps understandably often a focus on the criminal, but an important part of the Act, which was touched upon I think in the video actually, was that the same protections afforded to children and women in a criminal sense, in a criminal case, they should be available for protection.

And actually the starting point should be that they will be available for protection in civil cases where required and where needed. And that's going to be an important part of the Bill as we move forward. I don't want to go into too much detail in terms of the Bill because you've probably seen all these stuff online. I do want to leave some time. I know my time is short for maybe some comments from other people or even Q&A. But as you said, the Bill, in its essence, puts the voice of young people at the heart of family justice reform. It'll ensure that important decisions are communicated in ways that children can understand, that will do some important things that are regulations, so the Regulations of Child Welfare Report.

We all have done an excellent job, the vast, vast majority but we always hear from women, in particular, and young people about the inconsistencies. So having a regulated scheme that, I think, which includes training and ensuring that child welfare reporters are trained and such things as domestic abuse and coercive control are hugely important. The Act, as I mentioned, will be assessed in terms of those special measures that we expect in a criminal case, but also available in civil matter. It will regulate child contact centres to, again, ensure that staff are suitably trained in domestic abuse and coercive control. And then it'll ensure, again, that the child's best interests are considered when allowing access to information about the child, and ensure child advocacy services are made available to the family. We're very much in the space of implementation.





There's going to be a few public consultations. It will be a lie not to tell you that, of course, COVID has had an impact on that work, probably as it's had an impact on every single other piece of work. But we know how important this agenda is and we're not unnecessarily delaying anything. And the last point I'll make is, you know, I personally reflect on this quite a lot and I'll give you an absolute commitment that everything that's in the Act, we're going to try to implement as soon and as quickly as we possibly can. But we'll have to do it again, in consultation, particularly with young people. But I want to show you as quickly as we can. From a personal point of view, I don't want to see it delayed at all.

I'm a parent, I'm pretty proud to be a stepfather as well. I've been a stepfather for the best part of 3.5 years. I'm having an 11-year-old who's going on 18. She's wonderful. But, you know, for those 3.5 years, I remember the early days and thankfully, our situation hasn't involved domestic abuse or any form of gendered violence. It's generally amicable, though has its challenges at times, but it's generally amicable with my stepdaughter's father. But I remember very early on when I first became a step dad and met my wife for having a bit of a ... as we call it from the children, a disagreement about how to approach a situation with my daughter's father. And my stepdaughter heard that, she came through to the room. She said, 'Well, what's going on?' I said, 'Look, it's nothing. It's ... me and mum are talking about, adults' business.' And she said, 'Wait a minute, ...' because she's obviously heard about what we're talking about. And she said, 'It's about me and my life. Why don't you ask me about it?' And, my goodness, and she was only ... At that point, she was only 7.5 years old ... no! 8 years old at the time. And that was it! I mean just an epiphany in such a simple sentence from a young person. Maybe change ... as we have to change our approach to have to deal with things.

As I said, thankfully, our situation is relatively amicable in this, not so many challenges but I think that involving young people in whatever we do that is about them is hugely, hugely important. So my apologies I had to cling here longer than expected. Marsha, I'm happy to take some questions. I should've said actually, I just noticed that Christina, I don't think she's able to stay till the very end, unfortunately. And she also has other commitments. So I don't know if you wish me to take comments from her as well who has no time ... I know my time is tight, but...

Marsha Scott:

We are on top of thing with Christina. So we're good with that. I want to play that interview. So can I just ask you ... We have people from and officials from other countries on the call. And I'm wondering, Humza, if you had any reflections to share with them about the challenges of taking this agenda as a State Party and maybe whether there were, after this project, some opportunities for us to continue to support that work.

Humza Yousaf:

Again, the best reflection I can give is one that I've made throughout my remarks and you and others have made that actually involving the voices of children in the decision-making process. Look, it's hugely powerful. It's not just powerful from a policy perspective, very frank with you, it's really helpful from a political perspective. I don't mean that in a way to use children in politics, but what it does is for those various different political agendas that exist, actually, listening to children is really, really difficult to argue against. So if a child is saying, 'Look, I've been in a situation where my mother has suffered because of x, y, z.' Being an exceptionally, exceptionally brave politician till then say, 'Well actually I think that child is wrong. We should be doing X, Y, Z.' And that's not to say we shouldn't listen to different perspectives, of course we should. And we had that we had that during the Children (Scotland) Bill as it was. We listened to a variety of voices from across the spectrum. But ultimately, I think the most powerful voice was the voice of our children. So I think that for me was probably the most important reflection and we tried our best. I think we will be able to ultimately achieve this, was to try to gain as much political consensus on an issue like this as possible, not inevitably involves compromise and





finding common ground, particularly when like us, you know, a minority government. Maybe those are some personal reflections.

Marsha Scott:

Okay, I don't see any specific questions in the chat. I might pick up because we have four more minutes, Humza. And we're going to take advantage of every minute that we can. You know, the issue, of course, about redress that came up. So in the Scottish context with the rest of you, when we were looking at commitments to children in our Children (Scotland) Bill about the requirement to assume that they have a voice and that they have an opinion about decisions made, especially in the context of domestic abuse. But then one of the debates that came up in the final version of the Bill was, well, what happens when children don't get that? And what opportunity then is there for holding officials in the system accountable when they don't do what they're supposed to? Because in Scotland, we've had a law from 1995 and that's now, you know, that said that actually children's safety was a paramount consideration. And yet, the operation of our courts demonstrated over and over and over again that that was not the case. So, Humza, you know, we weren't able to sort out an approach to redress that work in time for passage of the Children (Scotland) Bill, but I wondered if you have an opinion about how to build in redress processes and how important they are?

Humza Yousof:

Yeah, first and foremost, exceptionally important you're right, sometimes we're limited by what we can do in a bill because of time, frankly, if nothing else. And but I do think it's an important issue, and I know, actually, that there're some questions being asked in the chat which I'll maybe touch upon as well for me. So yeah, again, we weren't able to get an agreed position, but there are, we know, some remedies already exist for young people if they're not happy with either the procedure applied on the outcome, for example, of any court order. So they can apply to a court to seek civilian order. There're good organisations out there like Clan Childlaw, for example, the Scottish Child Law Centre as well. They provide representation for children. But all that being said, I think it's exceptionally important what I said previously about the child welfare reporters and ensuring that they meet an appropriate standard of training. Again, in particular for domestic abuse and coercive control. And obviously we're doing work on that in relation to the Act. I think it's a good question to come back to but I'm afraid I don't have an answer for you right now about how we might take that one forward. But certainly from the video, not just the Act but should have mentioned also the Family Justice Modernisation Strategy as well when that commits the government to produce guidance for people considering going to court, and that'll include very much information for children and young people. So we've got to figure out that redress room. We've got to also figure that out with our partners, like the Scottish Courts and Tribunals Service as well. So I mean, I can give you a commitment as an issue. I'm obviously more than happy to continue to engage with, not just while I'm here. So I noticed a number of questions about sheriffs as well. And I know you do a fair bit of feedback, conversation yourself, Marsh, with sheriffs. I have a ... my officials have a good engagement with the Judicial Institute. So they provide training for sheriffs, were very, very keen when it comes to the implementation of our Act, to have a discussion with them about their role and how important their role. And this so we know that the Lord President is responsible for that judicial training. We know it's independent of government now. I have to put that caveat there or else I will be getting into trouble. But we'd really like to speak to them about that. And look, the judicial training is hugely important in relation to the domestic abuse events, and it can be equally as important for the Children (Scotland) Act as well.

Marsha Scott:

Humza, thank you so much. I'm going to leave you with an ask. So I will just say that the last thing that is on the to-do list for our young experts is that they would very much like to speak to a senior judge or sheriff about their experiences and we have struggled to arrange that, should I





say? So if there is any way you can help, we're we are crafting an email with them to Lord Carloway. And we would really very much appreciate your support in that.

Humza Yousaf: Sure. Well, look again, I must have that important caveat, that of course, in government, I can't, quite rightly so, tell judges and sheriffs what to do, though many believe I might easily enough, but I can't do that and for very, very good reason. But I promise you that the next time I speak to Lord President, I'll mention our conversation, say that I'm aware of it. And say that I'm a big supporter of [Yello!](#) and indeed children and young people's participation policy and the implementation of policy which clearly affects the course in this case. So and I will do my best to state your case to the judge and fair enough, it'll be, of course, ultimately the decision to do that. So happy to do that on your behalf and on [Yello!'s](#) behalf.

Marsha Scott: Can I just say a huge thank you for myself, from the women and children experiencing domestic abuse across the five countries, both for your personal commitment and for the role that the Scottish Government has played as our public partner in this project.

Humza Yousaf: Thank you, thank you for your time and I can't wait to see more here and more, not just from [Yello!](#) but from the [IJCC](#). So thank you everybody for all the work you're doing right across European jurisdictions. Thank you. Bye bye.

Marsha Scott: All right. Well that was fascinating. Thank you very much everybody for bearing with us so far. I am now going to hand over to Kay Tisdall, who is going to pick up the reins for this next section.

Kay Tisdall: Hello everybody, anybody wave to me if I'm sounding OK. Super! Great. Yes. So as Marsha introduced me, I'm from the University of Edinburgh, part of the Childhood and Youth Studies Research Group (CYSRG). And this section is to pick up on some of those ripples that Sarah was talking about. And shortly, we'll be hearing from each of our partners with a highlight that they're going to share with us. They've been tasked, in our highlights, to think of a change in their contexts that the project has contributed to. Perhaps how actually being part of a wider project has helped that happen. And I just want to take 30 seconds just to say what a privilege it has been to work with the partners and learning from the developments that had been going on during the project, inspired by the project and their work to maintain justice in this area. If you want to find out the biographies of our fantastic speakers, they are on the website for the webinar, so please direct you there. We are going to try and be strict. Just five minutes. I think all the speakers know that.

Heloísa Perista: Thank you very much. Kay. Good morning everyone. I will just try to introduce you in a few words what has been the [IJCC](#) strategy for contributing to the system change in Portugal. As you have already heard this morning, in our country, there have been new laws and policy initiatives that take children's rights into account in the case of domestic violence. And one of the main drivers for change was the GREVIO Baseline Evaluation Report on Portugal regarding implementation of the Istanbul Convention published in January 2019. Many issues dealt with during the [IJCC](#) project were in fact underlined by the Council of Europe as urgent gaps to be addressed. And this recent developments created a policy environment that favoured the implementation of [IJCC](#) activities, the spread of our messages, and the engagement of key stakeholders. Among the new policies and practices, today I shall highlight the creation of the so-called SEIVD. This is the acronym in Portuguese or in English – The Domestic Violence Specialised Integrated Sections. These were created in October 2019. And since then, pilot projects in four regions of the country have developed, articulating the intervention of criminal and family courts for the crime of domestic violence. And I should say that the lack of such an articulation has long been identified as a major gap in the Portuguese judicial system as well as a matter of concern, namely regarding child contact in cases of domestic violence. Well, but how has being part of [IJCC](#) contributed to the implementation of these changes?





In a nutshell, we tried to do this by fostering the urge to listening to children's views and the right of children to be heard in every decision that affects them, especially about contact with their parents in domestic violence situations. And we have done that by adopting a participatory approach and encouraging involvement at various levels. First, we set up, as you already know, we set up in Portugal a young expert group composed by young adults who have experience of domestic violence and the judicial system. These young women and men have been acting as advisors of the project. And most importantly, they have participated in multi-sector forum meetings, as well as in bilateral meetings, held with key stakeholders for reviewing the sectoral action plans, and possibilities for implementation beyond the duration of the project. The contributions of the [IJCC](#) young experts in Portugal have raised a lot of interest and consideration by national agencies, including the judicial system and from the public prosecutors responsible for the Lisbon domestic violence specialised integrated section in particular.

In addition, more generally, the [IJCC](#) project in Portugal has been playing an important role in raising awareness for the need to hear what children and young people have to say as victims of domestic violence and in promoting participation methodologies: the completion of a trial of [Power Up/Power Down](#) model with a group of children, and the discussion of the outcomes of these sessions with the stakeholders being part of our multi-stakeholder, multi-sector forum strengthened our ability to endorse that children have a say and to advocate for the urgency of supporting children taking the floor, notably through the dissemination of this [IJCC](#) participation model, which is an innovative tool in our national and local contexts. Last but not least, the engaged input of both key public sector and civil society organisations intertwining the views of actors from the areas of women's rights and children's rights, working together during a total of six multi-sector forum meetings, doing the system mapping and devising the national action plans, has proven to be a powerful strategy for transforming child contact system in Portugal, ensuring altogether the safety and protection of human rights of children and women affected by domestic violence. Thank you for listening.

Kay Tisdall: And thank you to Heloísa. Thank you eloquently put forward the potential of both components of the project and how that's being working in Portugal. Thank you.

Well, shall we move on to Elena, who looks poised, to hear your five minutes of highlights.

Elena Triffonova: Okay. Good morning to everyone. I am Elena Triffonova from Bulgaria, [Bulgarian Gender Research Foundation](#). I should start with really a few words about Bulgaria in the context of the Istanbul Convention. Actually, my country, unfortunately, cancelled the ratification process in Bulgaria of this Convention. And even though in the summer of 2018, our Constitutional Court accepted the decision about the Convention that this is unconstitutional for Bulgaria. And with this act, the process of ratification of the Convention at European level was blocked, unfortunately. And starting to work in the [IJCC](#) project, really the context in Bulgaria was, I can say, unfriendly -- but it was really more than terrible.

But anyway, [IJCC](#) project in Bulgaria engaged experts from police, social workers, legal professionals, and like-minded people working in the field for women and children. The project has the mission and philosophy focused on children's participation and how to listen to children's voices. It contributed a lot in the Bulgarian context. Yeah, we can be defined as 'not friendly' context, but after the events after cancelling the Convention of 2010, actually we prefer in Bulgaria not to use the Istanbul Convention and just to call it the official name Convention 2010 of the Council of Europe for combating domestic violence. And also, the National Strategy for Children was refused and stopping the new Law for Social Services for six months. But the positive change in Bulgaria we can perceive in some professionals that are not





too many at this moment. But really the participatory methodology for child contact is supportive for them. And our cases to work with children really show that positive effect and something absolutely necessary for the Bulgarian context at this moment.

The new model with proven positive results encourages and strengthens the formal and the non-formal works of experts and especially the Alliance for Protection against Gender-Based Violence. This is an umbrella organisation of 11 NGOs in Bulgaria and also experts from the Police, State Institutions and Court, especially one of the courts, Sophia Regional Court. They sent us a letter and expressed their willingness to continue to work, and to be much more focused on this point, women and children, women as victims of violence. Following from the [IJCC](#) project there exists two working groups. It happened in the beginning of the project two working groups were initiated by [BGRF](#) and also the Alliance with the Ministry of Justice. And they've been initiated just ... the focus of the working groups was really to make amendments in our present law for protection against gender-based violence. In a more concrete, focused, more protective way for children and women, and more sensitive approach for operation of rights. And just to create a holistic approach, actually the working groups ... They finished their work. But because of the so complicated situation of COVID, and because some of the initiatives were blocked, we really still wait for what will be the final decision. And really, I want to thank you to all the partners for their contributions and, especially for support, because [IJCC](#) project for Bulgaria was really serious encouragement of our activities.

Kay Tisdall:

Elena, thank you so much for that and just wonderful about how your project has worked to your context, knowing just the ways to move around in terms of these particular times. So thank you for sharing with that very much with us. Super. So Marsha is going to do a highlight next, but I think she wants her own screen. So she's just gonna transfer over to you all the slides. Over to you, Marsha.

Marsha Scott:

Of course, I at least once had unmuted myself on time. I am just going to share this slide. Hold on! Let me just move that. Here we go. So in terms of the highlights, in Scotland, it's very difficult to pick five minutes worth. And I think I want to give a huge thank you here to Sue McKellar, who has done such stellar work supporting our [Yello!](#) group and supporting them and supporting really I think adults who needed more support than others in terms of getting much better at how we amplify and engage with the views of children and young people around court-ordered child contact. And there was a synergy that was happening in Scotland during the short period of this [IJCC](#) that really demonstrated for us the importance of understanding policy windows and of being ready and of the power of children's stories and women's stories and all of that. So what you see in front of you are just some of the graphics that were developed as we responded to various pieces of legislation that were going through the Scottish Parliament at the same time, that we were engaging with Bulgaria and Cyprus, Romania, Portugal around change in their countries. And I think there're two things I really want to share about that. One is the really important leverage in our own country. And I think this is probably true in every single country that I've worked with over my numerous years of doing European and international work, is that the gravitas, the seriousness with which this work is taken, multiplies geometrically when people in our own country understand that people in other countries are paying attention to what we do.

So I think, as we saw going through the debate around that Domestic Abuse Bill, which I cannot go forward without mentioning has been called the world's new gold standard, is that our officials were paying attention to things that we had said pretty consistently for 20 years about coercive control in a very different way because the rest of the world was watching. That has been very true with this participation work because during the debate around the Domestic Abuse Bill, we were able to support some adult survivors to speak to our Justice Committee,





which is critical in passing any of this legislation. We saw how incredibly powerful that was. And we were really committed to try and make that happen through the discussions about the Children (Scotland) Bill. And in our debates around the Domestic Abuse Bill, we kept saying, 'What about the children?' And the elements of the Domestic Abuse Bill that it started out with really did not reflect the understanding that Women's Aid has had for years, and that now the Children's Commissioner and a whole variety of other actors in the multi-agency setting have developed, which is that if children are in a family where domestic abuse exists, it doesn't matter whether they're in the room when there's domestic abuse in the house, or even in the country. If they're in the family, they are victims of domestic abuse. And how do we get our legal systems to embed that understanding rather than to treat them as witnesses or, unfortunately, as we have been known to say, as collateral damage. So that the highlights for us was that in Scotland we were able then to take our learning from participation work in the Domestic Abuse Bill and thread it through our work on the Children (Scotland) Bill, on helping the Government craft a Protection Order Bill, which is now going in front of our Parliament and was part of the commitment that the Scottish Government gave to us as we worked through the Domestic Abuse Bill. And so I guess the two things really are it's very, very critical to leverage the interest of the outside world in your own country, and to share what you've learned in your country about what's happening in those countries.

And then secondly, the other thing is never underestimate the power of survivors' stories and voices in the policy-making process. I think there's a whole other piece of work that needs to be done around understanding how that participation can improve and inject accountability into implementation. And if I had my way, we'd extend this project for another two years, I can just see people rolling their eyes, in order to look at implementation in Scotland. But I think those are really live learnings and we can see that Scotland is a better place for children and women living with domestic abuse because of this work. That's me.

Kay Tisdall:

Marsha. Thank you. Marsha. Thank you. As somebody who is also working in Scotland, I think that key issues will be implementation. So we're on that. And thank you so much. Laura is now going to speak next and I think she has some slides that Tanya will put up. And Laura, over to you.

Laura Albu:

Hello! First of all, I'm very happy to be here with you. And also, I wanted to say that I'm happy that it's a lot after 20 years, the name of our organisation, Community Safety Mediation Centre, actually is imported from the same magic influence Scotland has on us 20 years ago when we looked into a community safety strategies you had been elaborating across the country. And so we thought that might be a good practice for Romania as well. So next to the slide on what we ... so 20 years later with a focus throughout our approaches, not only during [IJCC](#) project, but in all our work we are doing on a community level, working with the women and children who are victims of domestic violence. And so fortunately, we Romania has ratified the Istanbul Convention, so I might say, compared with the challenges Bulgaria has to face, we were lucky that in 2016, they have ratified the Istanbul Convention. And after that, we embarked in a modification of legislation, so adapting our internal legislation to the Istanbul Convention. And so actually many of the articles of the Convention has been embedded in our internal legislation, not so much the article we were trying to work on during this project. So we are talking about, and you have on your screen on the left side, Article 26 of the Convention, which is focused on protection and assistance for child witnesses of domestic violence, Article 31 talking about custody, visiting rights and safety, and Article 56 on protection measures.

So now what we were trying to elaborate with the stakeholders. We have mapped ... you can see on the screen ... we are based in Iași City, which is sitting in the north-eastern part of Romania. But we were not working only with the Court of Iași. We were also working with the





Court from Braşov, which is another big city in Romania. Well, why was that? Because while trying to see what were the good practices, we could steal from Scotland and another countries' experiences, and adapt them to our country. We were still lacking the type of social services you have in place in your countries, and also, like, the people who are getting in contact with the children during the court hearings. So in parallel, while trying to document what could improve the experience of the children into the court, we were trying to see what pieces of legislation we can work together with our partners, which is the National Agency for Equal Opportunities in Romania, which is the gender equality body in Romania. And so we put together a working plan for the modification of the provision of the internal legislation. And we hope that that was the reason what Sarah mentioned previously and all the other speakers have spoken that you will be able to see the impact of [IJCC](#) on Romania in next year probably because currently, Romania will have elections for the parliament this month in November. So actually it will be the next parliament which will take over the proposal we have prepared regarding this.

The second is that, for us, it was quite difficult to have a similar working group with children participating as [Yello!](#) And we succeeded to form it while COVID was starting this year. So it was a very intense process because we started with a group of girls who have had this experience of hearings in the court, and were actually not heard or interviewed very briefly and had a very bad experience in Iaşi county. While in parallel talking with other lawyer and therapists and judges from Braşov where a different experience, a better experience, happened. So actually we have combined the two cities' information in order to be able to see why in a place things can work and why in other place didn't. And so we discovered that beyond modification of legislation in Romania, we need to allocate more resources for the judges. Our judges actually ... which we met in both cities, were saying about the high number of cases per day they have and also the fact that they don't have enough time to pay attention to family court cases. And so we send the recording with our girls and their experience into the court to them. And so after all these, it was a very powerful experience like Scotland has had. And so right now, what we can say, we have actually 12 girls, ages ... the youngest ... she's 11 and the oldest is 18, which actually we met regularly, like, sometimes weekly, sometimes every two weeks, even if it's COVID, and we have to take them from different villages around the city and our city and meet with them at our place. It's a very powerful experience. We have a lot of good proposals from there and hopefully they will be able to visit Parliament and speak with the new politicians in the new Parliament in the next four years. So we have. And our group is not called [Yello!](#) It's called Aurora because it's a singer from Norway and she is young and inspiring for our girls. So they chose this name for our group. And I'm here for talking more about our proposals and the questions and answer part. Thank you.

Kay Tisdall:

Laura, thank you. And I see them put in the chat [click [HERE](#) to listen to the girls' podcast]. It's amazing what you've been able to do with the COVID-19 and still being able to connect with the young people. Thank you for sharing that with us. Super. Susana, are you ready last but definitely not least? Over to you.

Susana Pavlou:

Thank you, Kay, for giving me the floor. Just to give a little background. Sorry. I should introduce myself. I'm Susana Pavlou. I'm the Director of [the Mediterranean Institute to Gender Studies](#) (MIGS), which is the separate partner in the [IJCC](#) project. To just to give you a little bit of background, the context in Cyprus within which we have been working in. And now that I am coming so late in the programme, it will make sense because so many wonderful women have spoken before me about all these issues. So in Cyprus, we, had and we continue to have little understanding of how domestic abuse against women impacts on children beyond their status as witnesses. Women's rights and safety are not seen as inextricably linked to children's rights in law and practice. And there is a presumption that it's in the child's best interests that have both





parents are involved in the child's life, But their parents with a history of domestic abuse against mothers can be, as Marsha very succinctly puts it, very effectively puts it, a "good enough" father (in inverted commas).

So, at the moment, there are no mechanisms in place to ensure that a child's right to express his or her views in relation to family law decisions in the context of domestic abuse. But at the time we began implementing this project we had a set of opportunities and there were drivers for change in the separate context. The first one is, as many of the partners mentioned, except for the case of Bulgaria where we've seen a backlash against, the Istanbul Convention. In November 2017, after many years of advocacy work on behalf ... by women's rights organisations, we ratified the Istanbul Convention. And so this was a huge opportunity for us more widely to work on violence against women but also looking at the specific articles, 26, for example, that looks specifically at children's experience of violence or the impact of violence against women on children.

At the time, there was also a very extensive reform of family law. Unfortunately, I had expected in the beginning of this project that that family law reform was going to ... can't come to culmination by the end of this project. But unfortunately, it is three years down the line since those amendments were first proposed by the Ministry of Justice, and they have yet to take effect. And why that's important is because there were specific provisions that would strengthen the rights of children to express their views in decisions that affect them. And there were also some amendments that would have an impact on the extent to which domestic abuse must be taken into account in child contact decisions. And the third driver of the change, I would say, is these establishment of the Children's House, which is an integrated service for victims of child sexual abuse following the Barnahus model, which really began to put into practice in terms of procedures, policy, and practice, the principle and the best interests of the child, and what that would look like in real time. And they have built ... it's run by the Hope for Children Organisation. And they have done incredible work in building an evidence base around this.

So in terms of our project and the contribution it has made. So another opportunity that we had during the time at the beginning of the project, when Marsha Scott, incredible Marsha Scott, came to Cyprus to talk about many of the things that she talked about earlier in the seminar, which was really important in our contexts that we start to understand the theory around and the evidence around the impact of domestic abuse against women. And at that time, the multi-stakeholder meeting that Marsha participated in was co-organised with the Commissioner for the Rights of the Child in Cyprus and also with the Advisory Committee for Prevention and Combating of Violence in the Family. And the Committee during that time we were working on a proposal to the Minister of Labour for an integrated service for women experiencing violence and their children, which is now called the Women's House. And the Woman's House, which was approved by the Council of Ministers, is actually ... will be in operation within the next few weeks. It will function as a multi-agency, multi-disciplinary crisis centre for women victims of violence and their children. And so it will operate as a one-stop shop. And its mission is to provide safety and protection, crisis management, support women victims of violence and their children to quality, specialised, accessible and coordinated services all under one roof.

And the Committee at that time, as it was developing this proposal, had decided to include a child advocate, sort of child rights officer, which is one of the models that Scotland, our Scottish partner, had proposed within the framework of the [IJCC](#) Project. And the children's rights officer or the child advocate will be a member of the core team of the Women's House in order to provide specialised support to children experiencing domestic abuse. The role will also ensure





that the rights of the child are taken into account in all procedures and all processes, and that they're child-friendly, safe, including in civil and criminal procedures.

And also just in response to Marsha's observation in a chat regarding access to legal advice and representation, to ensure that there is a lawyer at the Women's House within the core team, and we look forward to seeing how that role develops within this multi-agency framework. Just to mention also, the role of the child advocate is not specifically being developed to support children on giving the views to court on contact issues. But we believe that the development of this role is the first step to building competence, and identifying and responding to the specific needs of children affected by their mother's partner's violence, beyond their status as witnesses and embedding a children's rights perspective in system responses. And very, very lastly, just to pick up on what Sarah had mentioned in the first presentation, we did also work very closely with the Commission of the Rights of the Child in adapting and implementing the [Power Up/Power Down](#) methodology, which the Commissioner's Office piloted through online sessions with 15 young people that belong to their young experts' group. So they were not children that had necessarily experienced domestic abuse, but they developed some really important recommendations on the rights of children to express their views and how that could be done in civil proceedings. And those recommendations will be taken forward to the judges at the Family Court by the by the Commissioner in cooperation with us. So that's it from Cyprus. And thank you for listening.

Kay Tisdall:

Thank you, indeed. Thank you, Susana. Do we have time at least for one or two questions, answers, chats. It's going to be a little bit of a race who wants to put it in the chat function first? And Christina, our Minister, so kindly stayed with us. We thought we would take some time out at the end of the Question and Answer session, Christina, if you're willing to give us a few reflections for a few minutes. Thank you. So that does mean partners, the words next, you might have to keep it very snappy. But yes, are there points that people want to raise in the chat? We want to go back to share with us some training. Any other issues? And if you do want to direct them to a particular speaker, just pop that into the chat as well. Just as you're thinking, Susie says that the link I've put on for Maria's story for some reason didn't work. Of course it works for me. So we're just checking out whether the general blogs will get you to it. Super. She's trying that for us. Great. As Marsha says, comments welcome. Ana coming in. Super. Thank you, Ana! 'How have the different countries on the project combined children's rights and women's rights?' Wow that's a good one. Susana, would you be willing to contribute a little bit on that and then maybe Marsha?

Susana Pavlou:

To give you the experience of Cyprus, yes?

Kay Tisdall:

Yes. I think it's fascinating your combination with the Children's Commissioner.

Susana Pavlou:

Right. So I mean this is a huge challenge and I'm definitely not going to present Cyprus as an example of good practice yet. I mean, but this is ... what this combining of women's rights to children's rights has been the change that we have wanted to address through this project. And, again, as I said in the beginning of my presentation, this combination ... how they impact each other and how they are interrelated is little understood in Cyprus. And what we're trying to do, firstly, through the inclusion of a Children's Rights Officer within the Woman's House, which is an integrated service for victims of violence against women within the framework of the Istanbul Convention, the implementation of this Istanbul Convention. This is the kind of sort of practice-based evidence that we are trying to develop now. I think through this, through the implementation of this model. And so it was not so much, I think, you know, to be modest, I don't think it was so much out of this realisation that women's rights and children's rights are inextricably linked. But there was an understanding that, at least within those working on





developing the model for the Woman's House, that children and victims of domestic abuse have their own rights. And ... we're trying to sort of to influence the system from within. Yeah. And this is our... so we're really just scratching the surface, and you know, our work has just begun, if you like.

Kay Tisdall:

Thank you so much for that. Marsha, you want to come in?

Marsha Scott:

Yeah. I guess I'm ... a generally sounding quite an optimistic note, but on this one, I might say that I'm really ... we're still climbing a really steep mountain here. And I think COVID has revealed to us just how much work needs to be done in the area, to be frank, of child protection work and social work and education. Because at pretty much every turn, our strategic officials in all of those fields have responded to the challenges of COVID in ways that have made women invisible and mothers have been invisible. So decisions have been made over and over and over that show us that people seem to think that children's lives exist somehow separate from their mothers' lives. And that the challenge will be to read across the systems, which is why a multi-agency approach is so critical. But I think we need to understand that this is a long-term project. So when I, for instance, did my ... some of you will abstain and go and you're raising your eyebrows thinking yourself, 'Oh gosh, she's not gonna do that again.' But you know how I did this thing. So women on one side, children on the other, right? And if we think that we can make policy about children, right, that will work, that doesn't affect women for good or for ill, we are clearly not competent. So competent policymaking and competent practice requires that we understand that if you do something to children, you do something to women; you do something to mothers, you do something to children. It could be good for both. It could be bad for both. It can be good for one but bad for the other. But if you don't embed that in the way you think about how you're responding to COVID, to domestic abuse, to poverty, then in fact you will be doomed to continue to fail. So child poverty is a great example. Sorry, I'll stop in a minute. But child poverty is a really good example of that. We have 15 years of policy work on eradicating child poverty in Scotland. It has consistently failed because it has consistently failed to address women's poverty. So, you know, here's the thing. It's time for us to start holding people accountable. And when they talk about children, if they have not embedded in that response, an understanding of how children's and women's rights are intertwined, then they're just incompetent at their job. And finally, just to say we, like many of the ... I think all of the countries on this call, have committed to the UN Convention on the Rights of the Child (UNCRC). And what we are saying here in Scotland is that if you actually want that to work because we're in the middle of incorporating that into Scots law, then you have to incorporate CEDAW, the convention to end discrimination against women, into your law also because you can't do one without the other.

Kay Tisdall:

Wow, it's all good chats happening now. With these so many questions, we won't quite have time to talk about here, but we have to keep continuing the conversations outwith. I'm going to privilege Laura, in one minute. They're interested in the video that you sent to judges and then in judges' responses, I'll give that to you before we come to an end.

Laura Albu:

It was a recording only of the voice because it was a Zoom recording, but it was with my face and her voice. So it was very interesting because the girl mentioned about the hearing, about two minutes hearing, she and her sister had in the court. After that, on the discussion with the judges in Braşov, they were saying that the average hearing of a child is between, I don't know, 15 to 20 minutes, maybe more. So that was a clear difference in approach there. And also it was a lot of discussion around the content of the questions asked by the judges, which were clearly not taken into consideration in the Iaşi cases because the girls were frightened, because the girls were also direct victims of violence, and still the court decided they have to spend their time with the father. And also now we are preparing a podcast. Unfortunately, it's in Romanian.





The girl who have recorded her voice is helping us right now, putting the discussion with judges into the podcast writing. So she's our youngest volunteer right now. And so that's a combination of the children having feedback on what judges considered to be right for them and how a real hearing in the courts should happen. So that was clear feedback, but what the girl has experienced was not okay. And that was regarding the video. So you will have the podcast soon. The second thing I want to go back to okay ... I'm sorry, just regarding the combination between women and children, like in Romania, because we have an Emergency Protection Order, which is a clear instrument of the Istanbul Convention implementation. All the girls, all the children, who ... so if the Emergency Protection Order is in place, for a woman, she being an adult, also the children are protected. They are not supposed to visit their father. That's also a very clear tool of seeing this Istanbul Convention as a very good instrument of seeing also the children as not only witnesses, but victims in a family, which is with domestic violence. But we can talk more about that.

Kay Tisdall: I always think it's a good sign of the webinars, we just want to keep going, but I think Christina, would you like to take that the floor, so to speak, and give us some of your reflections?

Christina McKelvie: Yes. Thank you. Good morning, everyone. Thank you so much for having me along to your webinar this morning. I've been sitting, taking notes and sending messages and all sorts of things, just learning lots of new stuff across, I think, from Portugal, Bulgaria, Romania, and Cyprus this morning. It's really good to hear of the work you're doing. We can always learn from each other, but it's also good to hear that you take the work that we're doing in Scotland as you're learning as well. So, you know, when women help women, we all wins. So that's always really good to hear. I've got a couple of factual points to make on some of the questions and then a few reflections. And I'll be really as quickly as possible.

There're a few main questions asking about the Children (Scotland) Bill and they are the Acts now, and the implementation. So we have got a timetable and an additive timetable now for implementation around the main provisions of the Act, a financial memorandum accompanied that Bill on its own. Just, we hope, because everything has been badly affected by COVID to go to a few public consultations early in 2021. So that's not that far away. This year has just squished by really quickly, and we're obviously looking to get lots of responses to that, analyse those responses, develop the regulations and standards. And we always try to do that in partnership with our agencies. And believe me, Marsha knows where I live, so we never get away with anything without her influence and how her influences are always fantastic and we always really appreciate it, even when she's dead brutally honest as well, but we need to hear that as well. And so we've been looking at all of that.

The other thing is that we intend it to have commencement around April 2023, which seems a bit a long time away. But if anything ... what we learned from the process of going through the Domestic Violence Abuse Act, is that when you take the time to get this right, you get better legislation. And I suppose I've always been an advocate of doing well instead of doing it fast although doing it fast means that we help more people quicker. So that's why that co-production in that working with you and other agencies is really, really helpful in this because we get it right and we hope to get it right and it's always a process of developing that as well.

Another quick point about ... somebody asked a question about minimum age. We've removed the presumption that 12 is the age that you can be involved in these things and working really closely with other organisations that the [Scottish] Youth Parliament, the Children's Parliament, and a number of really young kids' organisations have done brilliant work. The work that our Solicitor General had done in her capacity as the Solicitor General for Scotland with Everyday Heroes and hearing and for young people and of course, the voices of [Yello!](#) and we should





have, as we get that right. So when we develop the policy in the aims around that, how do we speak to very young children in a way that works for them, we're obviously doing a bit of work on Barnabus House. We have our own projects and work on that too. So the space is there.

And there's another question about child welfare officers and how they will be trained. Again, we will look in to speak to partners about how we can do that, look in to how to train reporters in a way that helps them understand they're talking to, especially getting very young children, and that'll be part of the public consultations. So if you've got ideas on that, please we really need to hear them. You'll help us if you come up, even if they are big massive ideas or wee tiny ideas, we need to know them all.

And let me get to my quick notes about the reflections and I'll tie off quickly so that you can get your final part of the event. Can I just say about children's rights in the UNCRC? Within that we know that the General Comment 5 has got some comments around the things we've been talking about this morning. But there're a few wider things that are going on in government right now, and I co-chair along with my partner in COSLA the Equally Safe board to which Marsha and others are key members of that. We meet and we talk and we sort and we fix and we explore and we do all of these to try and develop a policy and a practice. But there're a few wider things going on in government as well right now. I am currently on the board of our Scottish Government Human Rights Task Force, who have watched all the way through the pandemic. A few things have been delayed because of the pandemic, but we managed to move most things online. So it's been about 30 consultation opportunities. And that's already and more to come.

But there's a few main points and that are really important in the work of the Human Rights Task Force. They will develop a policy platform and hopefully something resembling a bill that we can go into the next session of Parliament to look at how to be underpin human rights in Scotland. Contained within that is work on CEDAR. It's absolutely the core. We're doing work on CRPD and obviously UNCRC process is informing that as well, but CEDAR is a key piece of work there. And we've got Nicole Busby helping us develop and understand all of that. And if anybody of you know Nicole will know how dedicated and amazing her work is in this area. We just had a new academic paper from her because it's bit of a tension between reserved and devolved matters. And, you know, we're trying to work through some of that and get something that works really well. So that should give you a wee bit a cause for hope and hopefully within that as well.

But within the Task Force, obviously a human rights bill will need to have something that's about justice, about redress, about access, about all of that. And we're looking at all of that as we go along as well.

It's good to hear that you think Scotland is doing well. We've got so much more to do. We have got an appetite of so much more to do as well. And certainly, in my role, I have as well. But one other wee sort of a key milestone that we met just this weekend was the Equal Protection Bill, where children in Scotland now have the same protection as adults IN LAW when it comes to assaults and common assaults. There's been a lot of debate on the radio about it this morning, but it's good to see how the culture in the understanding of the population is moving on with us as well. When you explain about, well, you can now get the same and child can now get the same protection as you. If somebody comes up and slaps you, and when you pass it back to a sort of an adult situation, they go, 'Oh, well, yeah, right enough.' You know. So, we've still got some minds to change on it, but we all got law now. We've got law now.

And I suppose the next steps that we've got coming up, as something that Marsha and I had been talking about for a number of years that myself and the Housing Minister Kevin Stewart





have really pursued Mr Yousaf on this. And we're really grateful to him for listening to us and really taking on board. And certainly the First Minister has already given her commitment. So I know the Domestic Abuse Bill ensures that families can stay in their own home and the perpetrator is the one that has to go and get support somewhere else. But it ties with that point that Marsha made about women, children, and lots of cases, I think about 20 odd percent, and this is off the top of my head, but I think 20 odd percent of homelessness cases in Scotland are families fleeing domestic violence, who, if there was a barring order in place, could stay in their own home, stay in their own GP practice, stay in their own local schools, stay in their own family circles and family support. Then, that joining in the homelessness could be remedied for about 20 odd percent of families in Scotland and that would be a great an opportunity to change that. So Equally Save continues with its work because Scottish government continues with its work.

And I know that it is a justice focused event this morning and I'm really grateful for that. But I thought you needed to know and probably already do actually of some of the other work that we're doing, but more importantly, the opportunities to comment and influence and give us your thoughts and your ideas on how we make this better because that's only we'll be able to do it if we've got together. Thank you. Thanks Marsha. Thanks everybody. So lovely to see all your faces.

Kay Tisdall:

Christina, that was such tour de force in a few minutes. Thank you for sharing all that you're doing as Minister for Older People and Equalities. And I think you may be hearing from even more of us. So thank you. I think we're changing the plan a little bit. I'm going to hand over to Marsha who somehow is going to bring this all together to the end. So over to your Marsha.

Marsha Scott:

Where am I? Okay, there I am. Yes. I think with three minutes left, those who know me will be saying, don't, don't, don't say anything much, Marsha. So I am going to just, I think, underscore the part of the reason that we have been able to do some really good things in Scotland, although we still have some mountains to climb, is that we have paid attention to the elements of women's inequality that drive bad outcomes for children and for families. And some of that has to do with making sure that the positions of power in our country, like our local representatives in our local government, like our parliamentarians, like our Cabinet, like our leaders in the directorates in different departments of our government, are representative of the Scottish population. So we have seen absolutely wonderful changes in the policy landscape. As a result, the women becoming involved and engaged and powerful in our governmental structures. And so this kind of brings together the final theme for us, which is if we don't pay attention to how the elements of inequality and oppression constrain the choices of a country, then that country will be doomed to continue to repeat its failures for children and women living with domestic abuse. And if we get their voices and the voices of women in the halls of power, then there are no things that we cannot change. So thank you so much everybody. I look forward to all of the work that we are going to be doing together. Even though the EU will stop paying us to do that. As we go forward let's think very hard about how we can protect the legacy of this project as we all go forward across the world. Thank you. And just a reminder, you can get the recording of this.





ABOUT IJCC

Improving Justice in Child Contact (IJCC) aims to improve children and young people's participation in decision-making around child contact for families affected by domestic violence.

- By 'child contact' we mean communication (such as phone calls or spending time) between a child and a parent who are not regularly living together.
- By 'participation' we refer to children's human rights under the United Nations Convention on the Rights of the Child (UNCRC). Children have a range of participation rights, including the right to express their views freely in matters that affect them and for those views to be considered seriously.

Improving Justice in Child Contact is a project across five European countries (Bulgaria, Cyprus, Portugal, Romania and Scotland) running from November 2018 to January 2021. Each country is exploring models for children and young people to participate and working with stakeholders to eliminate the barriers for, and enhance the mechanisms that support, children and young people's participation.

More information is available on our website.

www.ed.ac.uk/education/ijcc

Our Young Advisers

Improving Justice in Child Contact is advised by a group of young experts, called Yello!, who have previous experience of participation work. The young people are aged between 12 and 18 and have experience of domestic violence.



SUPPORT

If you are looking for advice or information about domestic violence, help is available. Women Against Violence Europe have information on specialist services across Europe at www.wave-network.org/find-help

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