

Equalities, Human Rights and Civil Justice Committee
Scottish Parliament
Edinburgh
EH99 1SP

CC Presiding Officer
Minister for Parliamentary Business

Via email only: ehrcj.committee@parliament.scot

04 December 2024

Dear Convenor,

As Chief Executives of leading third sector organisations working to protect children and families in Scotland, we are writing to share our serious concerns about the scale of unimplemented legislation in Scotland, and the effect this has on those we support.

We welcomed the recent invitation to share views with the Equalities, Human Rights and Civil Justice Committee on the non-implementation of the Female Genital Mutilation (Protection and Guidance) (Scotland) Act 2020, the Domestic Abuse Protection (Scotland) Act 2021 and the Children (Scotland) Act 2020 passed in Session 5 of the Scottish Parliament. It has now been years since these Acts were passed by parliament, but the Scottish Government is yet to bring most of these changes into force.

If this legislation could be implemented, it would make an immediate and tangible difference to the lives of many of the children and families we support, who continue to experience gaps in domestic abuse protections available to them, and a deeply traumatising and distressing civil court system. However, despite our consistent efforts to draw attention to the fact that this legislation hasn't been put into practice, we are yet to see any commitment to take this forward.

The failure to implement improvements to child advocacy services, for instance, means that many children who have experienced domestic abuse will continue to worry about being asked to have harmful contact with an abusive parent. Domestic abuse survivors frequently reach out to Scotland's Domestic Abuse and Forced Marriage Helpline with fears about their children's safety during contact, and about courts not listening to children when they say they don't want to attend contact.¹

In the past, when a law was passed by the Scottish Parliament this was a sign of certain change with the highest authority. Now, with the scale of unimplemented legislation as it is, that change is far from certain. We feel this is having a chilling effect on the Scottish Parliament's authority, and seriously damaging the potential for improving children and families' lives.

We have always known that the strength of legislative change would depend on good, well-funded action to implement it. However, it is now common practice for legislation to be allowed to sit unimplemented for many years, with no plans to bring it into force and with little to no accountability around this. This means that laws passed by parliament become less and less meaningful.

The effects of this are seriously harmful. Not only does the harm to children and families continue, but it also blunts our ambition for future legislation. We are particularly concerned about the effect this has for children, families and services who have campaigned to secure changes to the law that will make a difference to people's lives. When they see this legislation go nowhere, this affects their trust and

¹ [SDAFMH_AR_20182019_final.pdf](#)

engagement with parliament and its processes. These experiences also mean that we, as campaigning organisations, are less convinced of the value of legislation as a way to improve the lives of people we support.

There is an urgent need for parliament to take more responsibility for monitoring the progression of legislation, after it has been passed by parliament. There should be publicly accessible ways to quickly identify legislation that is live and in force and see what has been passed by parliament but is still waiting to be implemented. Keeping track of this should not be the responsibility of civil society.

We look forward to your response and would be very happy to discuss this further.

Kind regards,

Mary Glasgow
Chief Executive, Children First

Dr Marsha Scott
Chief Executive, Scottish Women's Aid