

# Fathers' Christmas

Jolene Campbell looks at the emergence of Fathers 4 Justice in Scotland

THEY have staged a sit-in at the Lord Chancellor's department, been arrested for daubing paint on court welfare offices and hung banners from the roof of a family court. Fathers 4 Justice call it direct action. And it is only the beginning for Scotland.

When 'Batman' staged a protest on the ledge at Buckingham Palace, it sparked an outrage about royal security and the threat of terrorism. Trust the Conservatives to miss the point entirely. A Tory peer complained that if an international terrorist got into the Palace, he could only be charged with "non-criminal trespass". The Home Office said they were giving anxious attention to the issue, and would press on with a specific royal trespass law. Not quite the legislative result Fathers 4 Justice was campaigning for.

Media reports can opt for cynicism and home in on the newsflash spectacle value of the stunts. Meanwhile, Fathers 4 Justice has gained impetus and is now driving for a bigger membership in Scotland. The first meeting held in Stirling last week represented an upping of the game for the organisation, with stronger support at grassroots level and ultimately greater scope for impact. Confrontational tactics are an important string to their bow, but that alone will not help challenge the public misconceptions and bring about a shift towards improved rights for fathers. With law reform plans due out at the end of the year, the group are preparing to put sustained pressure on policy makers behind the scenes.

Family law in Scotland has not struck the right balance of rights and responsibilities for parents, and fathers appear among the hardest hit. Under the Parental Responsibilities and Parental Rights Agreement (Scotland) Regulations 1996 unmarried fathers have no automatic rights of contact with their children, but are automatically responsible for child maintenance payments. Unmarried fathers are likely to be given improved contact rights under the

Family Law Bill currently being developed by the Executive. This should also address what options are available when a consent order is not adhered to.

How changes to governmental policy and the law should be made is still fuelling debate among policy makers, the legal profession and fathers rights groups. The latter believe their gripes are legitimate ones. Unmarried fathers do not have parental rights unless they register them on a Parental Responsibilities and Parental Rights Agreement form giving equal rights and responsibilities, which can only be changed by court order. Separate agreements have to be made for each child and can only

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be made after the child is born and if the mother agrees to share the rights. The entitlement of a child to the support and love of both parents should be the priority in the legislative framework, however there remain difficulties in enforcing the law as it stands. An unmarried father can request a court order for contact, but seeing that an order is adhered to is another matter.

In 2001, more than 55,000 contact orders were issued by courts to fathers desperate to see their children. Over 50 per cent of these were not respected. Fathers 4 Justice estimate more than 100 children a day are being denied the right to see their dad.

This is likely to change when family law reforms in Scotland come into force next year. Unmarried fathers who have their

names on a birth certificate may then be given parental rights and responsibilities but this will probably only apply to those births registered after the act is implemented, and not retrospectively. Giving a father a legal right he should already have will not be sufficient in addressing persistent problems, such as unenforced contact orders.

Paul Watson, spokesman for Fathers 4 Justice thinks that the proposals are inadequate: "This is just a legal fudge. The judiciary do not uphold the law as it already stands. There are many wrongs that have to be righted, and granting a legal right on a document does not address the issue. Children will continue to be denied their rights until there is a total overhaul."

The Department of Constitutional Affairs announced last week that they will introduce measures in England and Wales to penalise parents who do not adhere to contact orders. Judges can imprison parents under current legislation, but it is avoided where possible, as it is clearly a no-win situation. Proposed measures, still to be confirmed, include using electronic tagging for mothers who refuse to adhere to contact orders and referring parents to anger management or other community-based programmes. Watson says Fathers 4 Justice recommended these measures.

Handcuffing himself to Margaret Hodge on the stage at a family law conference in Salford, a registered childminder said that the stunt was the only way to get the group's message across. Subsequently, the invitation to Fathers 4 Justice to give oral evidence to the Constitutional Affairs Committee at Westminster was withdrawn. Paul Watson, Scottish Convener of the group said he was glad to see that some of the measures proposed in their response to the consultation were being taken on board. "The announcement that they are going to bring in these penalties down South is overdue. And there will have to be a will on the part of the legal system to enforce them. In Scotland, there is still a long way to go." ■