



Victim Support Scotland
VICTIMS' RIGHTS (SCOTLAND) REGULATIONS
EVIDENCE TO THE JUSTICE COMMITTEE

Victim Support Scotland (VSS) is the largest organisation in Scotland supporting people affected by crime. We provide practical help, emotional support and essential information to victims, witnesses and others affected by crime within each local authority and every Sheriff and High Court in Scotland. The service is free, confidential and is provided by volunteers. Victim Support Scotland welcomes the opportunity to provide our initial thoughts on the draft Victims' Rights (Scotland) Regulations to the Committee, given the short timeframe to provide a response.

The EU Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012, establishing minimum standards on the rights, support and protection of victims of crime provides minimum levels of rights and services that victims must be able to access across the EU. The Directive is aimed at improving the manner in which victims are treated within the European Union, and every Member State had three years from its adoption to implement the rights into their national legislation and administrative procedures. It should be recognised that the Directive has direct effect and is applicable to victims of crime in Scotland, whether or not it has been fully transposed into national legislation in Scotland.

Scotland must however take responsibility to ensure that national legislation provides adequate recognition, support and protection, assistance and remedies for victims and witnesses of crime. VSS welcomes the introduction of the Victims' Rights (Scotland) Regulations as fuller implementation of the Directive, following on from the Victims and Witnesses (Scotland) Act 2014, parts of which are still to come into force. Taken together, we regard this legislation as a major step forward towards improving the position of victims and witnesses of crime in Scotland. In addition, it is our view that the Regulations will enable victims to more readily challenge competent authorities if their rights as provided by the Directive are not upheld.

VSS has previously identified areas of the EU Directive that would not be fully transposed by the Victims and Witnesses (Scotland) Bill, at the time of progression of the Bill through Parliament. We are not in the position to provide an in-depth analysis of the Regulations with the time that has been given to us, but would welcome the opportunity to provide this at a later date.

We believe that the focus of the Scottish Government and Scottish Parliament should be on ensuring that our criminal justice system is tailored to the needs of victims and witnesses in Scotland, rather than on solely meeting European or international legislative requirements. The full transposition of the Directive will ensure only a minimum standard of rights, support and protection for victims of crime, rather than the level of treatment for victims and witnesses to which we should aspire within Scotland. The Victim Support Scotland Manifesto 2015-2019¹ lists the main changes and improvements we wish to see for victims and witnesses across Scotland to ensure that they receive the best possible care and support from all agencies within the criminal justice sector.

Alongside the implementation of procedural rights, emphasis should be placed on facilitating changes in behaviour and attitudes towards victims through training of practitioners; this would ensure that victims are seen as an integral part of any criminal justice process and are provided with the respect, support and encouragement they need to return to as normal a life as possible after crime. Significance must also be placed on the promotion of victims' rights, ensuring that victims know how to access these. Victims should be enabled to challenge any infringement of their rights effectively and timeously, with issues dealt with as they occur and with as little administrative burden placed on the victim as possible.

¹ <http://www.victimsupportsco.org.uk/wp-content/uploads/2015/07/VSS-Manifesto-2015-19.pdf>