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**For immediate release**

**Victims’ charity seeks support to uphold victims’ rights**

Victim Support Scotland, Scotland’s leading national charity for victims, is urging MSPs to consider victim support and information needs in the Children (Care and Justice) (Scotland) Bill as the debate of Stage 3 of the Bill approaches on 24 April.

As the Bill has progressed through Parliament, the charity has consistently warned of infringement of rights when the offender is dealt with through the Children’s Hearing System instead of a criminal justice route. It has now taken independent legal advice which backs this view.

Whilst VSS recognises that progress has been made through current proposals and amendments, more can and should be done to uphold victims’ rights through the passing of this Bill and subsequent associated guidance and implementation.

**Kate Wallace, Chief Executive of Victim Support Scotland, said:**

“This Bill has brought to light significant issues regarding victims’ experiences, many of which victim support organisations have been raising for years.

“No matter how the perpetrator is supported – and to be clear, VSS is not arguing with that aspect - we at Victim Support Scotland are adamant that this should not negatively impact the support and information available to victims. The impact of a crime or harmful behaviour remains unchanged, regardless of the actions taken against the perpetrator.

“VSS has fought hard throughout this Bill to ensure victims are provided with essential information and support, against a backdrop of greater prevalence of more serious violent and sexual offences, including domestic abuse within this age group.

“We hear time and time again from victims about a lack of support and information regarding the progress of their case within the current system. There are already significant issues regarding the limited support, information, and safety planning currently available to victims. Our concern is that these will be exacerbated by the proposals regarding referral of cases involving 16- and 17-year-olds. We urge MSPS to back these amendments at Stage 3.”

The Scottish Government has committed to eradicating violence against women and girls. Victim Support Scotland is concerned that, particularly with the 16- and 17-year-old age group, proposals will disproportionately impact young women and girls who have experienced gender-based violence.

An amendment at Stage 2 Children (Care and Justice) (Scotland) Bill added provisions for risk-assessed and appropriate information sharing to victims. VSS maintains that it is imperative that this amendment is not watered down, but enhanced to provide adequate and appropriate support that victims deserve.

**Kate Wallace, added:**

“Although in theory information can be shared, we know that in practice uptake is concerningly low and, even then, it is more about process than the case itself. That’s why we need this legislative imperative to share information and offer support to keep victims informed and safe.

“We fully acknowledge that the Children’s Hearing System is set up to place the rights of the referred child as paramount.

“What we are advocating for here is that victims’ rights are not compromised, and that perpetrators’ rights are not prioritised over victim safety.”

**As the Children (Care and Justice) (Scotland) Bill advances to Stage 3, Victim Support Scotland is asking MSPs to support amendments to protect victims' rights. These include:**

1. No compromise on or lessening of rights of victims of crime perpetrated by 16- and 17-year-olds
2. Automatic support and information to victims when the perpetrator is referred to the Children’s Hearing System
3. Establishment of a Single Point of Contact service to manage information sharing and support

**ENDS**

**Available for interview**

* Victim Support Scotland Chief Executive, Kate Wallace

**About Victim Support Scotland**

VSS is Scotland’s leading charity supporting people affected by crime

* <https://victimsupport.scot>
* [www.facebook.com/victimSupportSco](http://www.facebook.com/victimSupportSco)
* [www.x.com/VSScotland](http://www.x.com/VSScotland)
* [LinkedIn](https://www.linkedin.com/company/2173027/admin/analytics/followers/)

**Victim Support Scotland Case Examples**

**1. Sexual abuse and a lack of information**

A case involving the sexual abuse of a young child underscores existing problems with the system.

The incident involved the sexual abuse of a nine-year-old boy by a slightly older child, demonstrating existing flaws in the system's handling of offences committed by children and young people. The individual and his family were supported by VSS.

Despite reporting the crime, as the case was referred to the Children's Hearing System, the victim's family struggled to obtain information and support. They felt neglected as the process prioritised the privacy of the offender over the victim's wellbeing.

There were no restrictions on the children involved, and others connected to them, and nothing put in place to prevent them from still seeing each other.

The lack of information and support left the family feeling isolated and marginalised, with the victim experiencing significant disruptions to his daily life, including a prolonged absence from school and social activities. The family even moved towns. They believed that, if a similar offence had been dealt with in the adult justice system there would be clearer boundaries.

**2. Persistent harassment**
VSS has encountered multiple cases where adults are being harassed by groups of teenagers. Despite reporting to the police, they feel frustrated and re-victimised as no action is taken against the perpetrators.

This ongoing harassment leaves them feeling neglected and unsupported, with no end in sight. The repeated victimisation takes a toll on their mental and physical health, leaving them constantly anxious about potential encounters with the teenagers.

They fear that without consequences, the behaviour will escalate further, as evidenced by previous incidents, posing a growing threat to their safety and well-being.

**3. Concerns with school assault cases**
In one instance, a child was seriously assaulted by another child at school. Supporters of the victim have expressed concern that the focus seems to be on ensuring the assailant continues their education, rather than addressing the needs of the young victim who feels unsafe attending school due to facing their attacker.

This approach sets a dangerous precedent, signalling to the victim and other children that there are no consequences for such actions, potentially encouraging similar behaviour in the future. Moreover, it creates confusion for the perpetrator, as they may not understand why their actions are not being treated seriously now yet could lead to imprisonment if repeated later in life.

**Victims’ rights in Scotland**

These rights, as part of the [Victims’ Code for Scotland](https://www.mygov.scot/binaries/mygov/browse/justice-law/contact-police-victim-support/victim-witness-rights/documents-victims-code/victims-code-for-scotland/victims-code-scotland.pdf) which was formed following the Victims and Witnesses (Scotland) Act 2014, include:

* Right to minimum standards of service
* Right to information
* Right to participation
* Right to protection
* Right to support
* Right to compensation and expenses

**UNCRC**

**Article 3 (Best interests of the child):** The best interests of children must be a primary concern in making decisions that may affect them. All relevant adults should do what is best for children. When decisions are made, the impact on the child must be considered. This particularly applies to budgetary authorities, policymakers and legislators.

**Article 4 (Protection of rights):** Governments have a responsibility to take all available measures to make sure children's rights are respected, protected and fulfilled. This includes assessing domestic legislation and practice to ensure that the minimum standards set by the Convention are being met. Article 41 of the Convention points out the when a country already has higher legal standards than those seen in the Convention, the higher standards always prevail.

**Article 12 (Respect for the views of the child):** A child capable of forming his or her own views will be given the right to express those views freely in all matters affecting the child, with those views being given due weight in accordance with their age and maturity. In particular, a child will be provided with the opportunity to be heard in any judicial or administrative proceedings affecting them, either directly, or through representatives.

**Article 34 (Protection from sexual abuse):** States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, States Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent:

1. The inducement or coercion of a child to engage in any unlawful sexual activity;
2. The exploitative use of children in prostitution or other unlawful sexual practices;
3. The exploitative use of children in pornographic performances and materials.

**Article 39 (Rehabilitation of child victims):** Children who have been neglected, abused or exploited should receive special help to recover and reintegrate into society. Particular attention should be paid to restoring the health, self-respect and dignity of the child.

**For more information please contact:**

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