

## 4. Legislation and Policy Context

This section sets out the legislation and policy context for the provision of services to people who have experienced rape and sexual assault and the legislative framework for prosecution of people who commit acts of rape and sexual assault.

Sexual violence is predominantly a crime against women, children, and vulnerable adults which may be contextualised in gender, equality, and inequalities policies. The obligation to provide accessible and integrated services to all individuals of sexual violence is affirmed in Articles 24 and 25 of the [Council of Europe Convention on Prevention and Combating Violence against Women and Domestic Violence](#) (Council of Europe 2014).

The UK Government became a signatory of the Convention in June 2012. The UK Government is obliged to observe other international obligations to take actions to mitigate violence against women including the [Convention Elimination of all Forms of Discrimination against Women](#) (CEDAW) (United Nations Entity for Gender Equality and the Empowerment of Women (1979).

These are reflected in the Scottish Government's strategy [Equally Safe, Scotland's Strategy For Preventing and Eradicating Violence Against Women and Girls](#). The strategy sets out the following vision:

*“A strong and flourishing Scotland where all individuals are equally safe and respected, and where women and girls live free from all forms of violence and abuse – and the attitudes that help perpetuate it and aim to work collaboratively with key partners in public, private and third sectors to prevent and eradicate all forms of violence against women and girls”*  
(Scottish Government 2016d).

Recent acts of rape and sexual assault are crimes that are governed by the [Sexual Offences \(Scotland\) Act 2009](#). The Act defines sexual offences against adults, older children (13-15) and younger children (under 13). Younger children are deemed to have no capacity to consent to sexual activity. Definitions of 'rape' and 'sexual assault' and consent can be found within the Act.

The [Victims and Witnesses \(Scotland\) Act \(2014\)](#) legislates that people who have experienced sexual crime should be offered the choice of gender of examiner.

In April 2017 the Scottish Government established a [Chief Medical Officer Led Taskforce for the Improvement of Services for Victims of Rape and Sexual Assault](#). The Taskforce provides the necessary leadership so that NHS Boards are supported to provide services to better meet the needs of individuals.

Scottish Government policy aims to tackle the significant inequalities that people often experience as a result of trauma and abuse. There is emerging evidence that trauma informed systems can have better outcomes for people affected by trauma.

[Transforming Psychological Trauma: A knowledge and skills Framework for the Scottish Workforce](#) (NHS Education Scotland 2017) involves recognising the need for trauma related knowledge and skills across the whole workforce, not just for those with a remit to respond directly to the needs of those affected by trauma.

The [Justice in Scotland: Vision and Priorities](#) was published by Scottish Government in 2017 and set out 4 outcomes for a just and resilient Scotland:

- We live in safe, cohesive and resilient communities.
- Prevention and early intervention improve wellbeing and life chances.
- We deliver person-centred, modern and affordable public services.
- Our system and interventions are proportionate, fair and effective.

One of the six priority areas is to improve the experience of people who have experienced rape or sexual assault and witnesses, minimising court attendance and supporting them to give best evidence (Scottish Government 2017).

All information provided is also in line with the [Human Rights Act](#) 1998.

## Useful resources

[Chief Medical Officer's Taskforce for the Improvement of Services for victims of rape and sexual assault.](#)

Council of Europe (2011) [Council of Europe Convention on Prevention and Combating Violence against Women and Domestic Violence](#)).

[Human Rights Act](#) (1998)

NHS Education Scotland (2017) [Transforming Psychological Trauma: A knowledge and skills Framework for the Scottish Workforce](#)

Scottish Government (2016) [Equally Safe, Scotland's strategy for preventing and eradicating violence against women and girls](#)

Scottish Government (2017) [Justice in Scotland: Vision and Priorities](#)

Scottish Government (2009) [Sexual Offences \(Scotland\) Act 2009](#).

United Nations Entity for Gender Equality and the Empowerment of Women (1979) [Convention Elimination of all Forms of Discrimination against Women](#)