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Lady Dorrian, Lord Justice Clerk
Parliament House
Edinburgh
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26 April 2023

Lord Justice Clerk,

Introduction of the Victims, Witnesses and Justice Reform (Scotland) Bill

Further to our previous correspondence, I am delighted to confirm that the Victims, Witnesses, and Justice Reform (Scotland) Bill was introduced to the Scottish Parliament yesterday.

The Bill is the culmination of the efforts of the many campaigners who have worked tirelessly to ensure that our processes of justice better serve victims and witnesses. I pay thanks to the many survivors, victims and their families who have continued to share their experiences to improve the justice system.

It is also the product of meaningful collaboration across the justice sector both to understand the challenges that complainers experience during their interactions with our justice system and to explore what action can be taken to address these. This is epitomised by the Review you led into improving the management of sexual offences cases which brought partners from all corners of the justice sector together around that shared commitment.

The Bill seeks to implement the key recommendations of that Review, to reform our court system to deliver meaningful and sustained improvements to the experiences of sexual offence complainers. Indeed, all of the recommendations made by the Review which relate to adult complainers of sexual offences and which require legislation to implement have been taken forward through the Bill. Collectively, they represent an ambitious package of reform which seeks to transform our justice system.

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The Bill aims to:

Ensure victims are treated with compassion and their voices are heard, by:

- ◆ **embedding trauma-informed practice across the system** and requiring justice agencies to make efforts to reduce re-traumatisation;
- ◆ **establishing the office of an independent Victims and Witnesses Commissioner** for Scotland to champion victims' and witnesses' rights at the heart of the criminal justice system;
- ◆ **safeguarding vulnerable parties and witnesses in civil cases** through extending special measures to non-evidential hearings and by banning personal self-representation in certain circumstances.

Ensure justice meets the needs of survivors of sexual offences (the majority of whom are women), during their most vulnerable moments, by:

- ◆ **protecting the dignity of victims through an automatic lifelong right of anonymity for victims of sexual offences** and limited other offences (human trafficking, modern slavery, female genital mutilation, hymenoplasty and virginity testing);
- ◆ **establishing a specialist sexual offences court** that is distinct from existing court structures, which enables complainers to give their best evidence while minimising the potential for re-traumatisation;
- ◆ **providing an automatic right to state-funded independent legal representation (ILR)** for complainers when applications are made to lead evidence of their sexual history or 'bad character' in sexual offence cases;
- ◆ **enabling a pilot of single judge trials for cases of rape and attempted rape to progress** to gather evidence on their effectiveness

Ensure our laws and processes of justice meet the needs of modern Scotland and enable public confidence in the justice system, by:

- ◆ **abolishing the not proven verdict in all criminal trials in Scotland** to improve the fairness, clarity and transparency of the framework within which decisions in criminal cases are made;
- ◆ **making related reforms to reduce juror numbers (from 15 to 12) and require a two-thirds majority for conviction** to increase confidence that verdicts are returned on a sound, rational basis while ensuring balance and fairness to all parties.

The Victims, Witnesses, and Justice Reform (Scotland) Bill is one of the most ambitious and significant pieces of draft legislation to be introduced to the Scottish Parliament since devolution.

The Bill progresses our ambition and priorities set out in the Vision for Justice. It takes us a significant step further on the road to delivering person-centred and trauma-informed practice across our justice services and ensuring that we have in place a justice system that commands the confidence of those who rely upon it.

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I recognise the breadth of interests affected by the proposals within the Bill and the importance of having a robust and open debate. That is essential if we are to ensure that we deliver fair, effective and meaningful reform for all those affected by the justice system in Scotland.

I look forward to working with you in the coming months to take full advantage of the opportunity the Bill presents to continue the dialogue on these profoundly important issues.

Yours sincerely

ANGELA CONSTANCE

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