

Child Rights and Wellbeing Impact Assessment (CRWIA)

Victims, Witnesses, and Justice Reform (Scotland) Bill

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Disclaimer

This draft document is an initial assessment of the impact of the Victims, Witnesses, and Justice Reform (Scotland) Bill. The Scottish Government will continue to review and update this document where required during the parliamentary process. Any future iterations will reflect an increased understanding of these impacts as the amount of data and research available continues to grow.

This impact assessment should be read in conjunction with the [Equality Impact Assessment \(EQIA\) for the Bill](#), which has been published separately.

CRWIA Stage 1 – Screening

Brief Summary

The Bill responds to concerns raised about the need to improve the experiences of victims, witnesses and vulnerable parties within Scotland's justice system, especially the victims of sexual crime. At the same time, it continues to safeguard the operation and principles of the system and protects the rights of those accused of crime.

The Bill contains a package of reforms which collectively form a transformed approach to how victims are treated in more sensitive and responsive justice system.

In particular, the Bill:

- strengthens the rights of victims of crime and embeds trauma-informed practice across the justice system
- improves the experience of vulnerable parties and witnesses in civil cases
- looks to address longstanding concerns and difficulties in how justice operates for victims of the most serious sexual crimes

The Bill has been informed by the work of the [Victims' Taskforce](#), [Lady Dorrian's Review into Improving the Management of Sexual Offence Cases](#) and [independent jury research published in October 2019](#), as well as formal public consultations on [improving victims' experiences of the justice system](#) and [the not proven verdict and related reforms](#), and ongoing engagement with stakeholders.

A summary of the policy content of the Bill and the aims of each policy is set out below.

Establishing a Victims and Witnesses Commissioner for Scotland

The Bill will establish an independent Victims and Witnesses Commissioner for Scotland to promote and support the rights and interests of victims and witnesses. Part of the Commissioner's role will be to monitor criminal justice agencies' compliance with the [Victims' Code for Scotland](#) and [Standards of Service for Victims and Witnesses](#).

Embedding trauma-informed practice across the justice system

The Bill aims for the justice system to treat victims and witnesses more compassionately. This means engaging with people in ways that understand the impact trauma can have on them and try to avoid the risk of re-traumatising them. This is intended to help people to give their best evidence and support their recovery.

Special measures for vulnerable parties and witnesses in civil cases

The Bill extends special measures to non-evidential hearings and ban personal self-representation in certain circumstances. This will better protect vulnerable parties and witnesses in civil cases.

Abolition of the not proven verdict and related reforms

The Bill will abolish the not proven verdict in all criminal trials in Scotland. This is intended to increase public confidence that criminal verdicts are returned on a sound, rational basis while ensuring balance and fairness to all parties.

The Bill recognises the complex and interlinked nature of the jury system. It also contains related reforms to reduce juror numbers (from 15 to 12) and change the majority required for a conviction.

Creating a Sexual Offences Court

The Bill will create a new Sexual Offences Court, which is distinct from existing court structures. This is intended to improve the experiences of complainers in serious sexual offence cases.

The new Court will place an emphasis on increased pre-recording of evidence and improved judicial case management. It will introduce a requirement for specialist training for all personnel. In addition, the Court will also provide a framework within which to develop and implement best practice in the management of sexual offences cases.

Lifelong anonymity for complainers in sexual and certain other offences

These provisions will protect the dignity of victims by providing an automatic lifelong right of anonymity for complainers of sexual offences and limited other offences (human trafficking, modern slavery, female genital mutilation, and the carrying out of hymenoplasty and virginity testing).

Preserving the anonymity of complainers in such cases serves an important protective function. It will help to minimise the re-traumatisation of victims before, during and after the court process and, in turn, increase the confidence of victims to come forward and report such crimes in the first instance.

Right to independent legal representation for complainers when applications to lead sexual history and/or 'bad character' evidence are made in sexual offence cases

The Bill creates an automatic right to publicly funded independent legal representation for complainers when applications are made to lead evidence of their sexual history or 'bad character' in sexual offence cases.

This is intended to improve the complainer's experience in sexual offence trials, in particular their understanding and ability to provide their views and be heard in court in respect of an especially intrusive aspect of criminal procedure.

Piloting single judge trials for cases of rape and attempted rape

The Bill gives Ministers powers to conduct a time-limited pilot of single judge trials for cases of rape and attempted rape, removing the jury as a decision-maker in these cases.

Conducting the pilot will provide evidence to inform debate into the effectiveness of single judge rape trials. The pilot will also provide an insight into the extent to which single judge rape trials can improve the experience of complainers and increase the efficiency of cases through the court system.

Further information

Further information about the background and the policy intention of the Bill is set out in the Policy Memorandum which accompanies the Bill.

The Scottish Government acknowledges that there are different words to describe those who have experienced crime, particularly sexual offences. Views on which terms are used can be strongly held. Some terms, for example 'complainer' are used when describing a person in a legal setting; 'victim' or 'survivor' are more commonly used when referring to a person in a broader context not restricted to the legal system. The CRWIA uses a mix of these terms with the choice of term influenced by the context.

The process of developing policy that is contained in the Bill has been ongoing since 2021, with the impacts on children's rights and wellbeing considered as part of this process.

Which aspects of the relevant proposal currently affects or will affect children and young people up to the age of 18?

The Bill contains a package of reforms to improve the experiences of victims, witnesses and vulnerable parties in the criminal and civil justice systems. Some of the reforms may also improve the experiences of children and young people who encounter the justice system as accused persons.

The Bill will therefore affect children and young people who come into contact with the justice system.

Specific aspects of the measures in the Bill which may affect children and young people in particular are described below.

Establishing a Victims and Witnesses Commissioner for Scotland

The Bill seeks to establish the Victims and Witnesses Commissioner as an independent office with autonomy to determine how to best fulfil their functions. While the Bill sets out what those functions are, it does not specify how the Commissioner should undertake them.

However, one of the main functions of the Commissioner will be to monitor the criminal justice agencies' compliance with their [Standards of Service](#) and the [Victims' Code for Scotland](#). The Victims' Code makes specific reference to the rights of victims aged under 18 when coming into contact with criminal justice agencies. Furthermore, victims and witnesses aged under 18 are automatically entitled to use special measures when giving evidence – vulnerable witnesses are subject to specific standards and rights in both the Standards and the Victims' Code. It is highly likely, therefore, that the Commissioner will be required to engage with children and young people who are victims and witnesses to effectively fulfil these functions, and to promote their rights and interests.

Embedding trauma-informed practice across the justice system

Evidence gathered during the policy development found some groups, including children and young people are more likely to have been the victims of crime, to be vulnerable to trauma, or both. Evidence was also found that suggests young victims and witnesses find aspects of the justice system particularly traumatising. The policies intended to recognise the impact of trauma and seeking to minimise re-traumatisation may therefore impact more on children and young people.

These measures also relate to children and young people who may come into contact with the justice system as an accused person.

Special measures for vulnerable parties and witnesses in civil cases

This policy aims to extend special measures to protect vulnerable people in court to non-evidential civil hearings and to prohibit a person from conducting their own civil case and from cross-examining others when there has been abuse. The proposals mirror for civil cases generally what has already been put in place, but not yet implemented, for child contact and residence cases in the [Children \(Scotland\) Act 2020](#).

This part of the Bill will affect children and young people who have to attend and participate in civil court cases. As noted above, children and young people may be particularly impacted by aspects of the justice system and these measures are intended to provide additional protections and mitigations against re-traumatisation.

Abolition of the not proven verdict and related reforms

Complainers and accused persons in criminal trials in Scotland may be under the age of 18.

In respect of accused persons, the age of criminal responsibility in Scotland is 12. Children aged 12 to 15 who are accused of committing a criminal offence are likely to be referred to the Children's Reporter and possibly to a Children's Hearing. However, if the offence is serious, they may be prosecuted in the criminal courts. Young people aged 16 to 18 who are accused of committing a criminal offence will usually have their cases dealt with by the criminal courts.

Therefore, complainers under 18 as well as children and young people over the age of 12 who are accused of committing a criminal offence may be affected by reform of the verdict system (both in terms of the abolition of not proven and the jury majority required for a conviction).

Creating a Sexual Offences Court

The Sexual Offence Court's jurisdiction encompasses all sexual offences that are triable on indictment (which are usually more serious cases) and includes specific offences that relate to sexual activity with or crimes perpetrated against children.

By hearing cases that involve offences under the [Domestic Abuse \(Scotland\) Act 2018](#), the court will affect children whose parents and carers are victims of sexual abuse. The Bill includes provision which will extend the protections in the [Vulnerable Witnesses \(Criminal Evidence\) \(Scotland\) Act 2019](#) to include children giving evidence in the Sexual Offences Court.

As set above in the section on trauma-informed practice, children and young people may find aspects of the justice system particularly traumatising. The specialist, trauma-informed approaches taken in the Sexual Offences Court will benefit both children and young people who are complainers and those who are related to a complainer (i.e. a parent or sibling) by reducing the risk of secondary trauma associated with the trial process.

More effective and efficient management of court and judicial resources will also impact positively on children and young people who may appear as accused in the Sexual Offences Court by reducing delays in their case coming to trial, which can be particularly disruptive for children.

Lifelong anonymity for complainers in sexual and certain other offences

These measures will provide an automatic right of anonymity to all children and young people who are victims of sexual offences and other listed qualifying offences, which relate to human trafficking, modern slavery, female genital mutilation, virginity testing and carrying out hymenoplasty.

A bespoke approach has been taken in respect of children and young people. The provisions enable adult victims to elect to waive their anonymity through a third-party publisher subject to the victim providing freely given written consent to the publisher. The Scottish Government considers additional safeguards are needed in respect of victims who are children (aged 18 and under) and, as such, the Bill requires judicial oversight for the waiving of anonymity by a child where a third party wishes to publish identifying information.

The Bill provides that any third-party publisher wishing to tell a child victim's story on their behalf must apply to the sheriff court for an order to dispense with the anonymity restrictions. Following the receipt of any such application, a sheriff may order the lifting of anonymity where: the child to whom the information relates understands the nature of the court order sought; appreciates what the effect of making such an order would be; and gives their consent to the making of an order.

As an additional safeguard, the Bill provides the court must also ensure it is satisfied there is no other good reason why an order dispensing with the child's anonymity should not be made. This may include, for example, because the court does not consider that the order would be in the best interests of the child.

Right to independent legal representation for complainers when applications to lead sexual history and/or 'bad character' evidence are made in sexual offence cases

Children and young people under the age of 18 who are victims of sexual offences where an application is made to lead evidence in relation to their sexual history or other character evidence during criminal court proceedings in Scotland will be affected by the introduction of the automatic right to publicly funded independent legal representation.

The proposal will enable children and young people to participate as a party to the proceedings when such an application is made and where they choose to progress their automatic entitlement to publicly funded legal advice and representation as part of that process.

Piloting single judge trials for cases of rape and attempted rape

As set out in the section on the abolition of the not proven verdict and related reforms above, complainers and accused in criminal trials in Scotland may be under the age of 18, so may be affected if they are involved in a trial which is included in a pilot.

The Bill contains enabling powers for a pilot of single judge rape trials for cases of rape and attempted rape to take place. The criteria for the pilot are yet to be determined and will be subject to Parliamentary scrutiny through [the affirmative procedure process](#). It is therefore currently unknown to what extent rape and attempted rape cases involving children and young people will be included within the pilot, with consideration of matters such as this taking place following the Bill's passage through Parliament.

Which groups of children and young people are currently or will be affected by the relevant proposal?

The Bill contains measures to improve the experiences of victims and witnesses in criminal proceedings and vulnerable parties in civil proceedings. Children and young people who come into contact with the justice system in these capacities will therefore be directly affected by the Bill.

A number of the measures relate to sexual offences, of which girls (and women) are more likely to be victims. As well as being applicable to sexual offences the statutory right to anonymity also pertains to certain other offences where girls and young women are at risk of being a victim, including female genital mutilation, virginity testing and the offence of carrying out hymenoplasty.

The measures in the Bill will also affect children and young people who are accused of offending behaviour in criminal proceedings or the subjects of civil proceedings. Embedding trauma-informed practice and measures which will bring about changes to court procedures will impact on accused/those who are subject to civil proceedings as well as on complainers, witnesses and vulnerable parties.

The Bill is part of a wider programme of work, including the [Children Care and Justice \(Scotland\) Bill](#) and [Bairns Hoose](#), with ongoing engagement taking place with officials leading on these areas to ensure a joined-up approach across government.

The Bill aligns with and supports the Bairns Hoose approach by seeking to make the justice system more person centred and trauma informed in general, as well as containing policies specifically aimed at keeping complainers out of court and making more efficient use of resources to minimise delays.

Is a Stage 2 Children's Rights and Wellbeing Impact Assessment required?

A CRWIA is required for the Bill, but it has been determined that further assessment is not necessary in relation to the following policies:

- abolition of the not proven verdict and related reforms
- piloting single judge trials for cases of rape and attempted rape

While children and young people who are complainers and accused in criminal trials in Scotland will be affected by these policies, it is not anticipated that the measures will have any differential impact between groups of children and young people or between children and young people and adults.

In relation to the pilot of rape and attempted rape cases, the Bill contains enabling powers for a pilot to be carried out and any particular impact on children and young people will be considered as and when the criteria for pilot are determined.

CRWIA Stage 2 – Assessment of Impact and Compatibility

What evidence have you used to inform your assessment? What does it tell you about the impact on children's rights?

The assessment has been informed a range of quantitative and qualitative evidence, including the following:

- The Scottish Crime and Justice Survey (2018 – 2020)
- National Statistics Recorded Crime In Scotland (2018 – 2021)
- Scottish Health Survey (2019)
- NSPCC Statistics Briefing: Child Sexual Abuse (2021)
- Public Health Scotland information about gender-based violence and learning disability (2019)
- Suffering in silence: children and unreported crime – a Victim Support and University of Bedfordshire report (2014)
- The Everyday Heroes report on justice – Houghton and MacDonald (2018)
- Rates of post-traumatic stress disorder in trauma-exposed children and adolescents: a meta-analysis – Eva Alisic et al, published in The British Journal of Psychiatry (2014)
- The experiences of young complainant witnesses in criminal court trials for sexual offences, I Randell et al, published in Psychiatry, Psychology and Law (2017)
- Legal update on the backlog in the criminal courts: the impact on children and young people – Youth Justice Legal Centre (2021)
- Delays in trials: the implications for victims-survivors of rape and serious sexual assault Michele Burman and Oona Brooks-Hay, Scottish Centre for Crime & Justice Research (2020)
- Power Up / Power Down project report – Scottish Women's Aid and the Children for Commissioner and Young People in Scotland (2016)
- Tackling female genital mutilation in Scotland: A Scottish Model of Intervention – scoping study carried out by the Scottish Refugee Council (2014)
- Counting the cost: BME women and gender-based violence in the UK – Hannana Siddiqui (2018)
- Why don't sexual offence complainers have a right to anonymity in Scotland? - Dr Andrew Tickell, published in Edinburgh Law Review (2020)
- How should complainer anonymity for sexual offences be introduced in Scotland? Learning the international lessons of #LEATHERSPEAK - Dr Andrew Tickell, published in Edinburgh Law Review (2022)
- Scotland's national action plan to prevent and eradicate female genital mutilation (2016)
- Inspection of COPFS practice in relation to sections 274 and 275 of the Criminal Procedure (Scotland) Act 1995 – HM Inspectorate of Prosecution in Scotland (2022)
- Victims Taskforce Victims' Voices paper (December 2020)

Main findings relating to children's rights

The evidence suggests that children and young people are among the groups of people who more likely to have been the victims of crime, to be vulnerable to trauma, or both.

There is also evidence to suggest that young victims and witnesses find aspects of the justice system particularly traumatising, with delays to proceedings having a particularly negative impact on children and young people. This includes children and young people who are directly involved in proceedings or indirectly involved, for example, through their parent or carer being a complainer.

The evidence shows that young women and girls are particularly impacted by sexual offences and that children with a disability are at greater risk of experiencing physical, emotional and sexual abuse. The evidence also shows there is an increased risk of gender-based violence and more barriers to support for minority ethnic girls (and women), and that girls and young women from certain minority ethnic communities are at greater risk of some of the offences covered by the provisions on anonymity, for example female genital mutilation.

Specific evidence from the listed sources that have informed these findings is set out in further detail in [the annex at the end of this document](#), as well as in the [Equality Impact Assessment \(EQIA\) for the Bill](#), which has been published separately.

Evidence from stakeholders / policy colleagues

A [consultation on improving victims' experiences of the justice system](#) ran from 12 May to 19 August 2022. The consultation sought views on all of the policies in the Bill with the exception of abolishing the not proven verdict and related reforms, which was the subject of a separate consultation. The consultation also asked respondents for any views that impacts the policies may have on human rights, equalities and children's rights, including UNCRC requirements.

The consultation received 69 responses and an [analysis report of the findings](#) was published in November 2022, along with an [easy read summary of the main findings](#) and [individual responses](#) (where permission to publish was granted).

Findings and information from the consultation responses relevant to children and young people are set out below.

Establishing a Victims and Witnesses Commissioner for Scotland

In relation to the remit and functions of the role, it was highlighted that there may be overlap between the Victim and Witnesses Commissioner and [Children and Young People's Commissioner for Scotland](#), and consideration should be given to how any potential overlap is addressed. Additional functions for the Victims and Witnesses Commissioner proposed by respondents included a specific function to protect child victims and a role in monitoring compliance with the [Bairns Hoose Standards](#).

The consultation asked whether the remit of the Commissioner should extend to victims and witnesses within the civil justice system and the Children's Hearings system. Around three quarters of respondents felt that the experience of victims in

the civil justice system (73%) and Children's Hearings System (76%) should also be in scope. Some respondents urged caution with regard to extending the remit to the Children's Hearings System, with the need to ensure that the rights of the child subject to the Children's Hearing remains at centre stage.

Further comments suggested that family members of victims and witnesses, family members of those accused of a crime and children who have engaged in offending behaviour and have themselves also been victims of crime should also come within the functions and remit of the Commissioner.

On the proposed duty for the Commissioner to produce annual reports, it was noted that all reporting should be done in such a way that it is accessible to victims, including children and young people.

Partnership working and engagement was a key theme in the responses, and it was noted that this must include organisations representing children and young people, as well as other sectors and agencies who support victims and their children. This included housing, education, health, social work and residential care providers.

As part of the consultation process, [a stakeholder workshop was held to discuss the proposals for the Victims and Witnesses Commissioner](#). Organisations who work with children, young people and families invited to attend the workshop included: Cairn Service/6VT Edinburgh City Youth Café, Children's Hearings Scotland, the Children and Young People's Centre for Justice, Families Outside, Scottish Children's Reporter Administration and Scottish Women's Aid.

Attendees at the workshop highlighted the importance of the Commissioner engaging both with individuals with lived experience and also with learned experience, for example advocacy and support workers. The discussions also emphasised the need for children's voices to be a necessary part of engagement.

Embedding trauma-informed practice across the justice system

Stakeholders responding to the consultation were clear that they felt children and young people should be treated in a trauma-informed manner in the justice system. There was agreement on the need for a culture change towards trauma-informed practice, and support for underpinning trauma-informed practice in legislation.

The need for a more trauma-informed approach to court scheduling was highlighted and it was suggested that children and young people (and their families/carers) should be able to speak to court staff about processes and procedures to help them prepare. Ways in which the courts could adapt their practices to make them more accessible, less intimidating and reduce possible negative impacts on children which were suggested included shorter sessions, adaptations to court layout, court attire and choice of language used.

The importance of work on Bairns Hoose in making a positive impact for children in the justice system was emphasised by several respondents, along with the need for proposals in the Bill to align with that work.

Concerns which were raised included that tools already the courts' disposal - such as special measures and the use of pre-recorded evidence - were not consistently and regularly used; and that any changes to the scheduling of criminal court cases could have an impact on Children's Hearings proceedings.

Special measures for vulnerable parties and witnesses in civil cases

Responses to the consultation noted that child witnesses in any proceedings should have the same protections to ensure they are not inhibited in the evidence they give, and that there should be parity of the special measures available in all civil and criminal court cases.

It was highlighted that children (and other vulnerable witnesses) should have the support of special measures regardless of the court hearing the case, as they could be at risk of the same trauma and harm in any civil court as could be caused in a criminal court. It was also noted that cross-examination by someone who is self-representing (for example a parent who is accused of domestic abuse in a criminal case) could be particularly traumatic for a child.

Creating a Sexual Offences Court

As a trauma-informed approach is a key part of the proposals for the Sexual Offences Court, the responses summarised above in the section on embedding trauma-informed practice across the justice system are also relevant for this proposal.

Lifelong anonymity for complainers in sexual and certain other offences

The consultation asked when an automatic right to anonymity should take effect, with most respondents who answered this question (60%) indicating that they felt it should be when an allegation or disclosure of sexual offence is made. A few respondents stressed the need for children to be provided with immediate anonymity and argued that this should be provided across all types of sexual offences and be relevant to all types of media (including online and social media).

There were mixed views in response to the question on children being able to set anonymity aside. The dominant feedback was that such decisions should be dealt with on a case-by-case basis, taking into account the age, stage and capacity of the child or young person, while also ensuring the child or young person was supported in making such a decision.

Generally, it was also felt important that, if children could waive their anonymity, then there should be judicial oversight of the process to ensure the child understood the implications and potential consequences, that they were making a fully informed decision, and to be able to provide safeguards against coercion and exploitation.

The consultation also asked for views on whether a minimum age should be set if children were able to waive their right to anonymity. Where age limits were discussed in responses, these included:

- two respondents who felt the age limit should be set to 12, in line with criminal responsibility (albeit with safeguards in place to ensure the child is fully informed, supported and not being coerced into the decision)
- six respondents who felt the age limit should be set to 16, in line with the age of consent
- seven respondents who felt the age limit should be set to 18, in line with the UNCRC (although a few did suggest that if it was to be set to 16 or 17 or there was to be any consideration below age 18, this would require judicial oversight and safeguards)
- seven respondents argued that setting an arbitrary age limit was less appropriate than considering the child/young person's stage of development, maturity and capacity to make such a decision and understand the consequences.

Right to independent legal representation for complainers when applications to lead sexual history and/or 'bad character' evidence are made in sexual offence cases

Responses to the consultation highlighted that this proposal aligns with aim of a trauma-informed approach in the justice system. The importance of individual advocacy and support for children and young people was highlighted, not only in terms of protections and recognising their needs but also to ensure that they receive information in a way that is understandable to them.

Summary of views in response to the question on the overall impact of children's rights and in relation to UNCRC

While the proposals were seen (among victim and witness support organisations) as potentially having a positive impact on the human rights of children and young people experiencing rape and sexual assault, and domestic abuse, some other organisations (including advocacy/support organisations working with children and young people) felt that greater consideration could have been given throughout the consultation to impacts of the proposals on children and young people. A specific comment was made that more consideration needed to be given to child victims and children who have harmed people.

Other evidence from stakeholders and policy colleagues

As well as engagement through the formal consultation, officials have engaged with stakeholders and policy colleagues as the content of the Bill has been developed.

Feedback during wider engagement which has been considered includes:

- the need for clear interfaces between the Victims and Witnesses Commissioner and the Children and Young People's Commissioner
- the Bairns Hoose principles have been highlighted as a good example of ways to make the process more trauma informed and victim sensitive

- the use of virtual hearings in the Children's Hearings System throughout the pandemic and beyond was highlighted as evidence that in-person hearings may not always be best for children and young people and that special measures such as TV links and pre-recorded evidence can be particularly beneficial for children and young people
- there are concerns that survivors of domestic abuse, including children, are subject to civil court processes that do not provide them with adequate protection from further abuse and trauma
- consideration of children's rights in terms of anonymity for sexual offence complainants was highlighted as potentially being a complex area

There have been discussions with Scottish Government colleagues in Children's Hearings and Bairns Hoose policy teams and the Children (Care and Justice) Bill Team. It was noted that responses to the [public consultation on proposals for the Children Care and Justice \(Scotland\) Bill](#) also highlighted the importance of responding to the children in conflict with the law in a trauma-informed manner.

Evidence from children and young people

While there has not been any direct engagement in relation to the Bill specifically with children and young people, engagement has taken place with organisations who work with, support and represent children and young people. Several of the evidence sources which have been considered include the views and experiences of children and young people.

Organisations that work with children, young people and families which have participated in the consultation process and with whom engagement has taken place that has informed policy development include: Children and Young People's Commissioner for Scotland; Children 1st; Children and Young People's Centre for Justice; Includem; the Scottish Children's Reporter Administration; Cairn Service/6VT Edinburgh City Youth Café; Social Work Scotland (including views from Children and Families professionals) and Scottish Women's Aid. Feedback from these organisations is included in the evidence sections above.

It is acknowledged that some respondents to the consultation felt that greater consideration could have been given throughout the consultation to impacts of the proposals on children and young people.

In relation to the policy to establish a Victims and Witnesses Commissioner, who will sit independently of the Scottish Government, it was not considered proportionate at this stage to engage directly with children and young people on the proposal. Such engagement, however, is considered to be an essential part of future development work on a potential extension of the Commissioner's remit to the Children's Hearings system.

Analysis of the evidence

How have the findings influenced the development of the relevant proposal?

The findings demonstrate support for the proposals and supported decisions for the policies to be included in the Bill.

The findings have informed understanding of the prevalence of child and young victims and highlighted the needs of these groups in the justice system. They have underlined the importance of partnership working both within and outside of the Scottish Government to ensure the best outcomes for child and young people who come into contact with the justice system.

The impacts on the development of specific policies are summarised below.

Establishing a Victims and Witnesses Commissioner for Scotland

The findings have illustrated how the Commissioner could have a role in promoting and protecting children and young people's rights in this context. They have allowed officials to identify areas for further development and engagement, such as discussion with the Children and Young People's Commissioner for Scotland (CYPCS). Making the role statutory provides parity with the role of other commissioners, including the CYPCS.

The Bill provides a power for Scottish Ministers to amend, by regulations, the definition of victims and witnesses, and add to the list of criminal justice agencies, thereby allowing for extension of the remit to the Children's Hearings system.

Embedding trauma-informed practice across the justice system

The findings confirmed that embedding a principle of trauma-informed practice in legislation is seen as a positive step for children and young people in the justice system. They also suggested that courts could do more to reduce the negative impacts of justice processes on children and young people, whether by adapting their practices or by making greater use of existing powers available to them. This informed the development of the policy to amend the courts' existing powers to regulate court proceedings, to ensure that the courts can make rules on proceedings being conducted in a way that accords with trauma-informed practice.

The findings also highlighted further complexities around court scheduling. This influenced the design of the final policy on trauma-informed scheduling, which is intended to be sufficiently flexible to recognise and allow for these complexities.

Special measures for vulnerable parties and witnesses in civil cases

The findings have highlighted concerns that vulnerable witnesses in civil court cases generally, including child witnesses, may be less protected than victims and witnesses in criminal cases, or in certain family proceedings. The consultation

responses showed general support for the proposals on extending special measures to all civil cases and, as such, provisions have been included in the Bill.

Creating a Sexual Offences Court

The list of sexual offences that can be heard by the Sexual Offences Court has been expanded beyond those recommended by Lady Dorrian's Review. These include offences relating to hymenoplasty, virginity testing and female genital mutilation, where complainers are often girls and young women.

Offences under section 1 of the Domestic Abuse (Scotland) Act 2018 where it is apparent from the charge that there was a substantial sexual element present in the alleged commission of the offence, can also be heard by the Sexual Offences Court. By hearing cases that involve such offences the court will positively impact children whose parents and carers are victims of such cases and who will be provided specialist support during proceedings.

The Bill includes provision which will extend the protections in the [Vulnerable Witnesses \(Criminal Evidence\) \(Scotland\) Act 2019](#) to include children giving evidence in the Sexual Offences Court.

Further protections will be put in place through the extended use of Ground Rules Hearings (GRHs) in the new court. GRHs are currently required in cases involving 'evidence by commissioner'. This is when a child or vulnerable witnesses gives their evidence in advance of the trial and a filmed recording of this is played during the trial. The purpose of a GRH is to bring together parties involved in taking evidence from the child or vulnerable witness, in order to try to ascertain a number of issues including how long examination-in-chief or cross-examination may take¹; to decide on the form and wording of the questions to be used; and to consider whether the proceedings should take place on the date fixed by the court. Lady Dorrian's Review found that that GRHs have been successful in improving the experience of complainers and are working effectively. To that end, GRHs will be used for all cases where a child or vulnerable witnesses is to give evidence in the Sexual Offences Court, and not just for cases which involve evidence by commissioner.

Lifelong anonymity for complainers in sexual and certain other offences

The findings confirm that while there is strong support in general terms for introducing legislation to provide for an automatic right of anonymity for victims of sexual and certain other offences, there are complexities involving the detail of how such a right is legislated for in respect of children and young people.

There are mixed views on the question of whether a child should be able to waive their own right to anonymity if that is their wish (where the policy for adult victims is to respect adults' autonomy and 'right to be heard' should survivors wish to speak out publicly about their lived experiences). It is recognised through stakeholder evidence and engagement that if similar provision is made for children, it is important that there should be some form of additional protection within the waiver process to

¹ Examination-in-chief is when the prosecutor takes evidence and cross-examination is when the defence takes evidence

ensure a child understands the implications and potential consequences of doing so; that they are making a fully informed decision; and that safeguards are provided against coercion and exploitation by third parties. As proposed in the Bill, such protection has been provided for in the form of judicial oversight.

Findings from the evidence gathering step informed policy development in this regard by confirming bespoke approaches had to be taken when it comes to children and young people in this area, distinct from the policy approach for adult victims. The evidence gathered has also helped inform what those bespoke approaches should be.

Right to independent legal representation for complainers when applications to lead sexual history and/or 'bad character' evidence are made in sexual offence cases

The evidence suggests that younger people are more likely to be a victim of a sexual offence. In addition, evidence shows that applications to lead sexual history and/or 'bad character' evidence in sexual offence cases have been made in relation to young people under 18. The proposals have therefore been developed on the basis that the right to independent legal representation will impact younger age groups including young people up to the age of 18.

Assessing the impact against the UNCRC requirements

[Further information about the UNCRC requirements, including easy-to-understand of the articles, can be found on the Children and Young People's Commissioner for Scotland website](#)

Articles where a positive impact has been identified

- Article 1 – definition of the child
- Article 2 – non-discrimination
- Article 3 – best interests of the child
- Article 4 – implementation of the convention
- Article 12 – respect for the views of the child
- Article 13 – freedom of expression
- Article 16 – right to privacy
- Article 19 – protection from violence, abuse and neglect
- Article 39 – recovery from trauma and reintegration
- Article 40 – juvenile justice

Second optional protocol

- Article 8

Articles where a negative impact has been identified

- None

Articles where a neutral impact has been identified

- Article 5 – parental guidance and a child's evolving capacities

- Article 6 – life, survival and development
- Article 7 – birth registration, name, nationality, care
- Article 8 – protection and preservation of identity
- Article 9 – separation from parents
- Article 10 – family reunification
- Article 11 – abduction and non-return of children
- Article 14 – freedom of thought, belief and religion
- Article 15 – freedom of association
- Article 17 – access to information from the media
- Article 18 – parental responsibilities and state assistance
- Article 20 – children unable to live with their family
- Article 21 – adoption
- Article 22 – refugee children
- Article 23 – children with a disability
- Article 24 – health and health services
- Article 25 – review of treatment in care
- Article 26 – social security
- Article 27 – adequate standard of living
- Article 28 – right to an education
- Article 29 – goals of education
- Article 30 – children from minority or indigenous groups
- Article 31 – leisure, play and culture
- Article 32 – child labour
- Article 33 – drug abuse
- Article 34 – sexual exploitation
- Article 35 – abduction, sale and trafficking
- Article 36 – other forms of exploitation
- Article 37 – inhumane treatment and detention
- Article 38 – war and armed conflicts
- Article 41 – respect for higher national standards
- Article 42 – knowledge of rights

First optional protocol

- Articles 4 – 7

Second optional protocol

- Articles 1 – 7, 9 - 11

Impact on children and young people

The groups of children and young people affected by the Bill are:

- children and young people who are victims or witness in relation to a criminal investigation or criminal proceedings in Scotland
- children and young people who are accused of offending behaviour in criminal proceedings in Scotland
- children and young people who are involved in civil proceedings in Scotland

Some aspects of the policy only apply to children in the first group (victims and witnesses), and so the potential impact on that group is greater than on the other groups.

While the measures relating to civil cases will have a positive impact on vulnerable parties, including children, it is noted that it is relatively uncommon for children and young people to appear in civil court cases. For example, although contact and residence cases are about children, the views of the child at the centre of the case are not generally obtained in the court room and are obtained by other means (such as a form, being interviewed by a Child Welfare Reporter outwith court or being interviewed by the sheriff in chambers).

The evidence shows that women and girls are more at risk of sexual offending, so the policies which relate to these types of offences will have a greater impact on girls and young women.

Disabled children and young people may feel a greater impact, in particular those with learning disabilities. Evidence suggests that disabled children may be more at risk of sexual crime, while the [EQIA carried out for this Bill](#) found that disabled people may be more likely than non-disabled people to have experienced both crime in general and sexual crime, and to have been in contact with the civil justice system. The EQIA also found that LGBT+ people may be more at risk of crime and have less confidence in the justice system, so children and young people who identify as LGBT+ may be impacted more by the Bill.

The evidence also shows there is an increased risk of gender-based violence and more barriers to support for minority ethnic girls (and women), and that girls and young women from certain minority ethnic communities are at greater risk of some of the offences covered by the provisions on anonymity, for example female genital mutilation.

Negative impact or incompatibility issues

No negative impacts or potential incompatibility issues have been identified.

Options for modification or mitigation of negative impact or incompatibility

No negative impacts or potential incompatibility issues have been identified.

Positive impact: giving better or further effect to children's rights in Scotland

Article 1 – definition of the child

Where there are policies that have particular measures relating to children and young people, they relate to individuals aged under 18. These measures will have a positive impact as they ensure protection for people under 18, for example judicial oversight will be put in place if child or young person wishes to waive their right to anonymity, and children and young people will be afforded the same rights to special

measures in civil cases and in the Sexual Offences Court as in other courts, with the additional protection of a Ground Rules Hearing being required to take place in all cases for child (and vulnerable) witnesses in the Sexual Offences Court.

Article 2 – non-discrimination

The Bill aims to embed reforms which have positive benefits in relation to a number of the UNCRC requirements. These reforms will apply to all children, where relevant, without discrimination.

Article 3 – best interests of the child

The Bill puts in place measures which are intended to help further the best interests of victims, witnesses and vulnerable parties, including children and young people. As set out in relation to articles 1 and 2, some of these measures include specific protections for children and young people and will help ensure that when actions are taken which concern them, their best interests are considered as a primary consideration.

The provisions on trauma-informed practice put justice agencies under an obligation to have regard to engaging with victims and witnesses (including children and young people) in ways that recognise that they may have experienced trauma, and by adapting practices and processes based on an understanding of trauma, to minimise any further trauma.

Article 4 – implementation of the Convention

The Bill contains provisions that strengthen the rights of children and young people and protect them from distress and re-traumatisation when they come into contact with the justice system.

Article 12 –views of the child

Trauma-informed practice involves enabling the effective participation of people in the justice system, and so the policy respects, and has the potential to help fulfil, children's rights to express their views on matters affecting them, and have weight given to those views. The provisions relating to special measures in civil cases and in the Sexual Offences Court may also help the child or young person speak more freely in court.

The Victims and Witnesses Commissioner will have a general function to promote and support the rights and interests of victims and witnesses, and to engage with victims, witnesses and persons providing victim support services in exercising this function. As evidence detailed in this assessment has illustrated, child victims form a significant cohort within the justice sector and are automatically considered vulnerable when, for example, giving evidence. It is extremely likely, therefore, that the Commissioner will take an active role in engaging with children and young people and promoting their rights and interests.

The anonymity measures provide a mechanism through which a child may dispense with their anonymity through a third-party publisher should they wish to do so, where the child's views will be central to that process. The prohibition on publication as a

result does not prevent the child victim themselves from publishing their own information, if they wish to do so.

The measures on independent legal representation are intended to enable the effective participation of victims in respect of this aspect of criminal procedure, and so the policy respects, and has the potential to help fulfil, rights in respect of the views of the child. In particular, the measures provide complainers with the right to make representations to the court on the accuracy of certain information and their views on whether it should be admitted as evidence.

Article 13 – freedom of expression

The provisions relating to child anonymity are consistent with article 12 because they ensure children have a right to publish information about themselves and that their right to do so is not restricted in law. The process for third party publishers to seek a waiver of the child's right to anonymity are considered to be in line with article 13.2 as it is a restriction in law which is considered necessary for the protection of the rights of the child.

Article 16 – right to privacy

A robust scheme of anonymity will ensure a child's right to privacy is upheld, while the right to independent legal representation is intended to support children and young people in relation to a particularly intrusive aspect of sexual offence case proceedings.

Article 19 – protection from violence, abuse and neglect

The Bill puts in place measures to support access to justice and to improve experiences of the justice system, to ensure that people are supported when they come into contact with justice processes and have confidence to report such crimes. By embedding trauma-informed practice and including particular safeguards for children in some measures the Bill supports children's rights to be protected from harm, and to have their needs addressed by those working in the justice system.

The Suffering in Silence: children and unreported crime report concluded that many children and young people do not realise that what they have experienced constitutes a crime or other form of victimisation requiring support and redress. It also found that many children and young people falsely assume responsibility for their experiences of harm and victimisation and, where children and young people feel in any way responsible for their victimisation, they are unlikely to report these experiences or seek support. A key function of the Victim and Witnesses Commissioner's role will be to raise awareness of and promote the interests of victims and witnesses, which will both help people, including younger victims, to identify victimisation and also educate the relevant authorities to respond appropriately.

Article 39 – recovery from trauma and reintegration

The statutory definition of trauma-informed practice created by the Bill – which underpins the policies on trauma-informed practice - is intended to help ensure that justice processes meet the needs of people (including children) who have

experienced trauma and minimise the risk of causing them further trauma. The Victims and Witnesses Commissioner will have a function to promote best practice, in particular trauma-informed practice, by criminal justice agencies and persons providing victim support services.

Article 40 – juvenile justice

The provisions on trauma-informed scheduling and trauma-informed court rules apply to all participants in court cases, not just to victims and witnesses. In circumstances where a child is in conflict with the law, trauma-informed practice should respect children's Article 40 rights by helping to ensure their trial is conducted fairly, and that they are treated in ways that promote their sense of dignity and their reintegration in society.

Second Optional Protocol - Article 8

The Bill puts in place measures to embed trauma-informed practice, support and protect victims and witnesses and creates a Victims and Witnesses Commissioner to monitor criminal justice agencies' compliance with their Standards of Service, which include specific reference to vulnerable witnesses (including under 18s), particularly in relation to accessing special measures, and also partnership working with support organisations. The Bill contains measures which specifically relate to offences covered by this protocol. This is relevant to Article 8 of the Second Optional Protocol which requires parties to adopt appropriate measures to protect the rights and interests of child victims of these offences at all stages of the criminal justice process.

Impact on wellbeing: does or will the relevant proposal contribute to the wellbeing of children and young people in Scotland?

[Further information about the wellbeing indicators can be found on the Scottish Government website](#)

The indicators where there will be an improvement in wellbeing are:

- **safe** - growing up in an environment where a child or young person feels secure, nurtured, listened to and enabled to develop to their full potential (this includes freedom from abuse or neglect)
- **healthy** - having the highest attainable standards of physical and mental health, access to suitable healthcare, and support in learning to make healthy and safe choices
- **nurtured** - growing, developing and being cared for in an environment which provides the physical and emotional security, compassion and warmth necessary for healthy growth and to develop resilience and a positive identity
- **respected** - being involved in and having their voices heard in decisions that affect their life, with support where appropriate

- **responsible** - having opportunities and encouragement to play active and responsible roles at home, in school and in the community, and where necessary, having appropriate guidance and supervision
- **included** - having help to overcome inequalities and being accepted as part of their family, school and community

The indicators where there will no impact on wellbeing are:

- **achieving** - being supported and guided in learning and in the development of skills, confidence and self-esteem, at home, in school and in the community
- **active** - having opportunities to take part in activities such as play, recreation and sport, which contribute to healthy growth and development, at home, in school and in the community

Post Assessment Review and sign-off

Communicating impact to children and young people

Both the CRWIA and EQIA will be published on the Scottish Government website.

Organisations who work with, support and represent children and young people will be directly emailed to inform them about the Bill and impact assessments being published.

It is also the intention to publish factsheets about the content of the Bill to help people understand what the Bill will do and how the policies will affect them. The final content of the factsheets is yet to be decided but may include specific information for children and young people and will be laid out in an easy-to-understand format.

Planning for the review of impact on child rights (Stage 3)

Monitoring and evaluation plans for the Bill are currently being developed and consideration of impact on the rights of children and young people, including Stage 3 of the CRWIA, are being factored into this.

Compatibility sign-off statement

This proposal has been assessed against the UNCRC requirements and has been found to be compatible.

Deputy Director Signature: Anna Donald, Deputy Director for Criminal Justice

Date of sign-off: 9 April 2023

SGLD sign-off: Yes

Annex – Summary of evidence used in the CRWIA

Scottish Crime and Justice Survey

The Scottish Crime and Justice Survey (SCJS) found that the likelihood of being a victim of any crime decreases with age; just under one-fifth (18.3%) of 16- to 24-year-olds were a victim of crime in 2018/19, compared with 6.9% of those aged 60 or over.²

The likelihood of being a victim of sexual crime also differed for different age groups. Over half (54.6%) of victims of serious sexual assault experienced their first (or only) incident between the ages of 16 and 20. 17.5% were aged 21-25, and 10.7% were aged 26-30. The proportion of those who responded to the SCJS who had experienced less serious sexual assault both since the age of 16 and in the 12 months prior to interview decreased with age, although there was no statistically significant difference between the two youngest age groups (16 to 24 and 25 to 44) when looking at experiences since the age of 16.³

Serious sexual assault - looking at age and gender combined, the SCJS found 8.1% of females aged 16-24 had experienced a serious sexual assault since the age of 16, which is significantly more than for females age 60 + (3.4%). In the last 12 months 2.5% of young females aged 16-24 experienced a serious sexual assault, which is a significantly higher proportion than for women of older ages.⁴

Less serious sexual assault - looking at age and gender combined, the SCJS found that the proportion of females in the youngest age group, 16-24, who had experienced less serious sexual assault since the age of 16 was significantly higher (22.6%) than for women age 60+ (9.8%). In the last 12 months, 11.2% of females aged 16-24 experienced less serious sexual assault, which is significantly higher than for women in all other age groups (2.6% for females age 25-44, 1.2% for females age 45-59 and 0.1% for females age 60+).⁵

Recorded crime in Scotland statistics

At least 39% of sexual offences recorded by police in 2018-19 related to a victim under 18.⁶

At least 31% of sexual offences recorded by police in 2020-21 related to a victim under 16.⁷

Scottish Health Survey

The Scottish Health Survey 2019 found that the prevalence of childhood sexual abuse adverse childhood experience (ACE) was higher among women than among

² [Scottish Crime and Justice Survey 2019/20: Main Findings \(www.gov.scot\)](https://www.gov.scot/publications/scjs-2019-20-main-findings/pages/10/)

³ [SCJS 2018/20 – Vol.7 – Sexual Victimisation tables](https://www.gov.scot/publications/scjs-2018-20-vol-7-sexual-victimisation-tables/pages/10/)

⁴ [SCJS 2018/20 – Vol.7 – Sexual Victimisation tables](https://www.gov.scot/publications/scjs-2018-20-vol-7-sexual-victimisation-tables/pages/10/)

⁵ [SCJS 2018/20 – Vol.7 – Sexual Victimisation tables](https://www.gov.scot/publications/scjs-2018-20-vol-7-sexual-victimisation-tables/pages/10/)

⁶ [Recorded Crime in Scotland, 2018-19 \(www.gov.scot\)](https://www.gov.scot/publications/recorded-crime-in-scotland-2018-19/pages/10/)

⁷ [Recorded Crime in Scotland, 2020-2021 \(www.gov.scot\)](https://www.gov.scot/publications/recorded-crime-in-scotland-2020-21/pages/10/)

men (10% and 4% respectively), also highlighting intersectionality between age and sex in relation to sexual offences victims.⁸

Briefings, studies and research

An estimated 1 in 20 children in the UK have been sexually abused and over a third of all police-recorded sexual offences are against children. Girls and older children are more likely to experience sexual abuse.⁹

Children with a learning disability are at greater risk of experiencing physical, emotional and sexual abuse.¹⁰

'Suffering in silence: children and unreported crime', a 2014 report on the hidden victimisation of children and young people by Victim Support/ University of Bedfordshire found that children and young people in England and Wales experience much higher rates of crime than police data suggests.¹¹

In a report by the Everyday Heroes Participation Programme, children and young people with experience of gender-based violence or abuse identified a need for changes to justice processes to make them more child-friendly and reduce trauma. These included a more personalised, victim-centred approach, more accessible communication, fixed times for giving evidence, access to support from a known and trusted person, and a more comfortable court environment.¹²

A meta-analysis has found that child witnesses and victims of violence develop rates of PTSD 'similar to the rates of combat soldiers returning from war' – the overall rate was 15.9%, but among girls exposed to interpersonal trauma it rose to 32.9%.¹³

A small New Zealand study conducted with complainants under 18, and parents of complainants under 18, in sexual offence cases identified a range of factors that contributed to young people's distress in court, and factors that could contribute to a more positive experience. Factors that contributed to distress included delays to trials, and finding cross-examination confusing and stressful.¹⁴

A report by the Youth Justice Legal Centre has highlighted that the experience of waiting for trial as an accused can be particularly disruptive for children impacting on their mental and emotional health as well as on educational attainment which may affect them in the longer terms becoming more pronounced the longer it takes for a case to come to trial. The Report highlighted that this was even more pronounced for

⁸ [Chapter 8: Adverse Childhood Experiences - Scottish Health Survey 2019 - volume 1: main report - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/scottish-health-survey-2019/volume-1-main-report/pages/Chapter-8-Adverse-Childhood-Experiences-Scottish-Health-Survey-2019-volume-1-main-report.aspx)

⁹ [Statistics briefing child sexual abuse \(nspcc.org.uk\)](https://www.nspcc.org.uk/what-we-do/our-research/statistics-briefing-child-sexual-abuse/)

¹⁰ [Gender based violence and learning disability - Gender based violence - Health topics - Public Health Scotland](https://www.healthscotland.com/pages/gender-based-violence-and-learning-disability-gender-based-violence-health-topics-public-health-scotland)

¹¹ [Beckett, H., Warrington, C. \(2014\) 'Suffering in silence: children and unreported crime': Victim Support/University of Bedfordshire](https://www.victim-support.org.uk/publications/suffering-in-silence-children-and-unreported-crime/)

¹² [Houghton and MacDonald \(2018\), 'The Everyday Heroes Report on Justice'](https://www.everydayheroes.org.uk/reports/the-everyday-heroes-report-on-justice/)

¹³ [Rates of post-traumatic stress disorder in trauma-exposed children and adolescents: meta-analysis - PubMed \(nih.gov\)](https://pubmed.ncbi.nlm.nih.gov/31111111/)

¹⁴ [The Experiences of Young Complainant Witnesses in Criminal Court Trials for Sexual Offences, Randell, I. et al \(2017\), Psychiatry, Psychology and Law, vol. 25, no. 3](https://www.tandfonline.com/doi/full/10.1080/1363259X.2017.1345111)

those who are held on remand which the report described as ‘extremely damaging for children’.¹⁵

A report by the Scottish Centre for Crime and Justice Research highlighted that children of those who have experienced serious violence can be impacted by the trial process in light of their age and the proportion of their lives spent with a parent involved in criminal proceedings, and who may be called to give evidence in court.¹⁶

Power Up / Power Down - a partnership project between Scottish Women’s Aid and the Children and Young People’s Commissioner for Scotland - highlights the need to improve the family court process for children and young people.¹⁷

Scotland's national action plan to prevent and eradicate female genital mutilation (FGM) notes that “FGM reflects deep-rooted inequality between the sexes and constitutes an extreme form of discrimination against women. It is nearly always carried out on minors and is a violation of the rights of children.”¹⁸

A scoping study carried out by the Scottish Refugee Council, ‘Tackling Female Genital Mutilation in Scotland, A Scottish Model of Intervention’ reports – “UNICEF estimates that more than 125 million women and girls in 29 countries around the world are affected by FGM today, with some 83 million survivors in Egypt, Ethiopia, Nigeria and Sudan alone (UNICEF 2013, pp.2-3). Reported prevalence rates vary dramatically across - and sometimes within - countries. The highest reported prevalence rates are found in Somalia (98%), Guinea (96%), Djibouti (93%), and Egypt (91%), where FGM is near universal. In 50% of practising countries, girls undergo FGM before the age of five years old; in the remainder, most FGM is carried out on girls aged 5-14 years old (UNICEF 2013, pp.2-3)”.¹⁹

Research by Dr Andrew Tickell’s that focuses specifically on legislating for a right of anonymity for complainers of sexual offences, where the approach to children is explored as part of the discussion.^{20 21}

HM Inspectorate of Prosecution in Scotland report that includes data relating to applications relevant to the provisions on independent legal representation.²²

Paper produced for the Victims’ Taskforce that highlights “the specific circumstances - and potential added challenges - that some groups encountered in aiming to be heard was also highlighted within some feedback, for example, as children affected

¹⁵ [Backlog in the criminal courts – The impact on children and young people \(yjlc.uk\)](https://www.yjlc.uk/backlog-in-the-criminal-courts-the-impact-on-children-and-young-people)

¹⁶ [Delays-in-Trials-SCCJR-Briefing-Paper July-2020.pdf](https://www.sccjr.gov.uk/publications/briefing-papers/2020/07/2020-07-20-SCCJR-Briefing-Paper-July-2020.pdf)

¹⁷ [Power Up / Power Down | Scottish Women's Aid \(womensaid.scot\)](https://www.womensaid.scot/power-up/power-down)

¹⁸ [Section 1 Background and Context - Scotland's national action plan to prevent and eradicate FGM - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/scotland-national-action-plan-prevent-eradicate-fgm/section-1-background-and-context/pages/section-1-background-and-context.aspx)

¹⁹ [Tackling-Female-Genital-Mutilation-in-Scotland-A-Scottish-model-of-intervention.pdf \(scottishrefugeecouncil.org.uk\)](https://www.scottishrefugeecouncil.org.uk/publications/tackling-female-genital-mutilation-in-scotland-a-scottish-model-of-intervention)

²⁰ [Why Don't Sexual Offence Complainers Have a Right to Anonymity in Scotland? | Edinburgh, Dr Andrew Tickell, published in Edinburgh Law Review, 2020 Law Review \(eupublishing.com\)](https://www.edinburghlawreview.com/why-dont-sexual-offence-complainers-have-a-right-to-anonymity-in-scotland/)

²¹ [How Should Complainer Anonymity for Sexual Offences be Introduced in Scotland? Learning the International Lessons of #Letherspeak | Edinburgh Law Review, Dr Andrew Tickell, Published in Edinburgh Law Review, 2022 \(eupublishing.com\)](https://www.edinburghlawreview.com/how-should-complainer-anonymity-for-sexual-offences-be-introduced-in-scotland-learning-the-international-lessons-of-letherspeak/)

²² [Inspection of COPFS practice in relation to sections 274 and 275 of the Criminal Procedure \(Scotland\) Act 1995 \(www.gov.scot\)](https://www.gov.scot/publications/inspection-of-copfs-practice-in-relation-to-sections-274-and-275-of-the-criminal-procedure-scotland-act-1995/pages/inspection-of-copfs-practice-in-relation-to-sections-274-and-275-of-the-criminal-procedure-scotland-act-1995.aspx)

by crime, or bereaved relatives of victims, or people who have been impacted by certain crime types”.²³

²³ [Victims+Taskforce+-+Secretariat+-+8th+Meeting+-+2020-12-09+-+Paper+1+-+Victims+Voices+Key+Themes.pdf \(www.gov.scot\)](#)



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