Justice Committee

Inquiry into the role and purpose of the Crown Office and Procurator Fiscal Service

Written submission from LGBT Youth Scotland

About LGBT Youth Scotland

LGBT Youth Scotland is the largest youth and community-based organisation for lesbian, gay, bisexual and transgender (LGBT) young people in Scotland. We provide direct youth work, training and support to professionals on LGBT inclusion, and undertake research on the needs and experiences of LGBT young people.

Question 4: How well does the COPFS respond to the needs of victims of crimes and to witnesses (especially vulnerable witnesses) in criminal cases and meet its legal obligations towards them?

Research by the Equality Network has found that LGBT people are not satisfied with their experiences of the court process; further detail can be found in their written submission. Although LGBT Youth Scotland does not have data on LGBT young people’s experiences of the court process or COPFS overall, we are aware of concerns about court attendance and several factors that reduce the numbers of cases that reach the courts. Some of these are issues for Police Scotland or legislation, but are nevertheless worth considering for their impact on experiences.

- There are barriers to LGBT young people recognising a crime\(^1\) and understanding their legal rights or reporting that crime\(^2\).
- 49% of all LGBT young people feel safe and supported by the legal system, with 40% of transgender young people feeling safe and supported. This evidences the need for increased attention to transphobia and assuring transgender young people that the legal system will not subject them to, but rather protect them from, discrimination. Young people who knew their rights under hate crime legislation were more likely to feel safe and supported by the legal system\(^3\).
- LGBT young people have concerns about being outed when reporting a crime to the police\(^4\).

Once these barriers are overcome and a case is reported, there are specific concerns for LGBT people when a case reaches prosecution. With courts open to the public the current special measures do not protect LGBT people from being outed. A recent scoping survey with LGBT people found that of those that had experienced domestic abuse and had not reported it to the police, 29.5% said that

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\(^1\) Best et al. (2011) Voices Unheard. Domestic Abuse: Lesbian, Gay, Bisexual and Transgender Young People’s Perspectives. LGBT Youth Scotland. 


\(^3\) Ibid.

\(^4\) See: Best et al. (2011); Lough Dennell and Logan (2013).
the reason they did not report was that they did not want the case to go to court. For transgender people, this number rose to 46%\(^5\).

We encourage further discussion on how to keep LGBT people feeling safe in court and would welcome and support engagement with LGBT young people.

LGBT Youth Scotland
19 October 2016

\(^5\) Unpublished scoping into LGBT people’s experiences and perspectives of domestic abuse on behalf of the FearLess project. LGBT Youth Scotland 2016.