



The Scottish Parliament
Pàrlamaid na h-Alba

Tell us what you think about the Victims, Witnesses, and Justice Reform (Scotland) Bill



Easy read survey

Tell us what you think before
Friday 8 September 2023

September

8

Who we are



The Scottish Parliament
Pàrlamaid na h-Alba

We are the **Criminal Justice Committee** of the **Scottish Parliament**.



A **committee** is a small group of people who are **Members of the Scottish Parliament** also called **MSPs**.



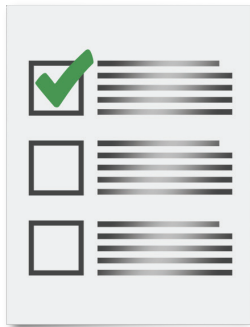
The Scottish people decide who is an MSP by voting for them in elections.



The **Scottish Parliament** makes **laws** in Scotland. It speaks out for the people of Scotland.



Laws are rules that protect people and make sure everyone is treated in a good and fair way.



The Scottish Parliament also checks what the **Scottish Government** is doing.



© The Scottish Government

The **Scottish Government** decides how to run the country.



© The Scottish Government

Members of the Scottish Government are called the **Scottish Ministers**.



The Scottish Government and the Scottish Parliament are separate organisations.

About the Criminal Justice Committee



Our committee meets to talk about the **criminal justice system** in Scotland.



The **criminal justice system** is the system for dealing with people who have or might have committed a crime.



When you **commit a crime**, it means you do something to break the law.



The organisations who run the criminal justice system are called **criminal justice agencies**.



Criminal justice agencies include police, prisons and courts.



A **court** is a place where people meet to ask questions and listen to information about crimes.



A **criminal court** decides if someone has broken the law.



A **civil court** makes decisions about problems between people or organisations.

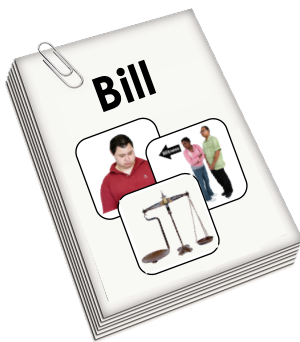


A legal expert, called a **judge** or a **sheriff**, is in charge in court.

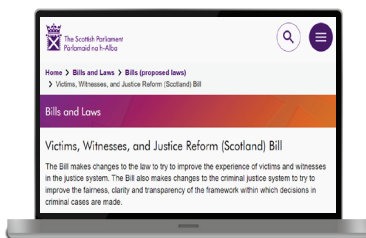
What this booklet is about



This booklet is about a new **bill**. A **bill** is a document that could become a law.



The bill is called the **Victims, Witnesses, and Justice Reform (Scotland) Bill**.



Go to our website to find out more about the bill

www.parliament.scot/bills-and-laws/bills/victims-witnesses-and-justice-reform-scotland-bill



The bill will become part of the law in Scotland if the MSPs agree with it.

What the bill is about



The bill is about ways to make Scotland's criminal justice system better for **victims** and **witnesses**.



Victims are people who have had crimes happen to them.



Witnesses are people who see crimes happen and say what they saw in court.



An important part of the bill is about how to make Scotland's criminal justice system better for victims of **sexual crime**.



Sexual crime means crimes about sex, like if you are made to do sexual things you do not want to do or made to have sex.



The bill has 6 main parts. We tell you about each part **below** and on **pages 9 to 17** of this booklet.



Part 1

This part of the bill says there will be a **Victims and Witnesses Commissioner for Scotland**.



The Commissioner will speak up for the **rights** of victims and witnesses.



Rights are the way victims and witnesses should be treated.



The Commissioner will make sure the criminal justice system works in a good way for victims and witnesses.



The Commissioner will be **independent** which means they will not be part of the Scottish Government or criminal justice agencies.



The Scottish Government will not be able to tell the Commissioner what to do.



The Commissioner will not work on single **cases**. They will speak up for the whole criminal justice system.



A **case** is the name for each crime or problem that is taken to court.

2

Part 2

This part of the bill says criminal and civil courts will need to use **trauma-informed practice**.



Trauma can happen after a bad or frightening thing happens to you.



Trauma can make you

- feel sad or upset.
- feel scared.
- have nightmares or bad memories.



Trauma-informed practice means you think about what a person has gone through in their life when you work with them.



You try to make them feel safe and not make their trauma worse.

3

Part 3

This part of the bill says there will be more **special measures** for **vulnerable** witnesses and people who are part of civil court cases.



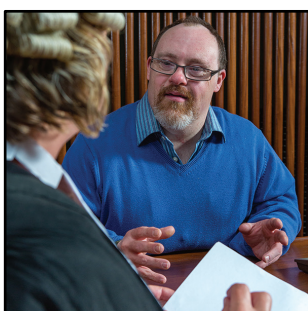
Vulnerable means people who are easy to hurt physically or mentally.



Special measures are useful things a court does to support vulnerable witnesses to help them feel ok.



This part of the bill says courts can **prohibit** people who are part of civil court cases from running their own cases and doing their own **cross-examinations**.



Prohibit means ban or stop.

A **cross-examination** is when a witness is asked questions in court.

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Part 4

This part of the bill will remove the **verdict** called **not proven** in criminal **trials**.



A **trial** is when the facts and information about a case are heard in court.



A **verdict** is the decision that is made at the end of a trial.



At the moment, there are 3 verdicts, called **guilty**, **not guilty** and **not proven**.



The **guilty** verdict means the decision is that the person did the crime. This is called being **convicted of a crime**.



The **not guilty** verdict means the decision is that the person did not do the crime.



The **not proven** verdict has the same result as the **not guilty** verdict. The person is not convicted of the crime.



The bill says there will only be 2 verdicts, called **guilty** and **not guilty**.

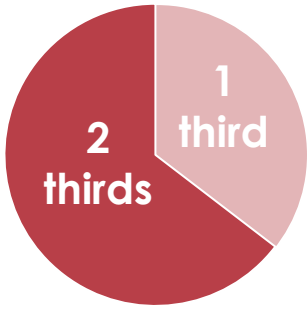


This part of the bill says the size of a criminal **jury** will change from 15 **jurors** to 12 **jurors**.

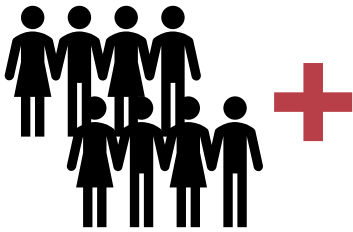


A **jury** is a group of people who listen to what is said in court and decide the verdict in a case.

A **juror** is a member of the jury.



This part of the bill says at least 2 thirds of a jury will need to decide a person is guilty for them to be convicted of a crime.



This means at least 8 jurors for a jury with 12 jurors.

5

Part 5

This part of the bill will make a new court called the **Sexual Offences Court** for dealing with sexual crimes.



The bill will show how the Sexual Offences Court will be part of the criminal justice system.



The Sexual Offences Court will have judges or sheriffs with special training.



Defence lawyers will also need special training to work on cases in the Sexual Offences Court.



Defence lawyers speak up for people in court who are on trial because they might have committed a crime.



Part 6

This part of the bill says victims of sexual crimes and some other crimes will **automatically** have a **right to anonymity**.



Automatically means it will happen without victims having to ask for it.



A **right to anonymity** means it is against the law to give out information that tells other people who the victim is.



This part of the bill says **complainers** in sexual crimes will have a **right to independent legal representation** when an **application** is made to show information about their sexual history.



A **complainer** is a person who says they are the victim of a crime.



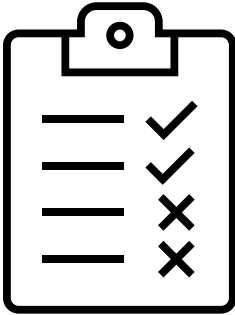
A **right to independent legal representation** means a complainer can get their own legal advice and choose a legal expert to speak up for them in court.



An **application** is something that is asked for in court.



This part of the bill says there can be a **pilot** for **rape** trials that have a judge or sheriff and no jury.



A **pilot** means a test where you try something to find out if it works.



Rape is a type of sexual crime. It happens when someone does not agree to a sexual act.



The bill says the Scottish Ministers must check how the pilot works and write a report about it.

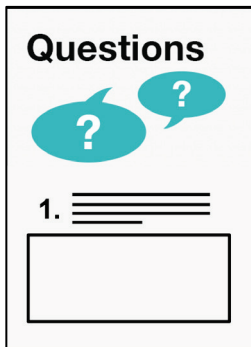


MSPs will be able to ask questions about the report.

Tell us what you think



We want you to tell us what you think about the bill.



We have written some questions for you to answer. This is called a **survey**.



The questions are on **pages 21 to 31** of this booklet. You don't have to answer all the questions.



What you tell us is important. It will help the Scottish Parliament make better decisions about the lives of people in Scotland.

How to fill in the survey



What you think about the bill might be affected by things that have happened to you, like being a victim, witness or complainer at a trial.



When you fill in the survey, do not give information about someone else that could tell other people who they are.



This means information like their name, address or where they work.



If you give information about someone else, we will not use that part of your survey.



To fill in the survey, write your answer in the box under each question.



When you have filled in the survey, post it back to us at this address

The Criminal Justice Committee

The Scottish Parliament

Edinburgh

EH99 1SP

Question



The questions start on the next page.

The survey

What we want you to tell us

Question

Part 1 of the bill says there will be a Victims and Witnesses Commissioner for Scotland.

What do you think about this?



Question

Part 2 of the bill says criminal and civil courts will need to use trauma-informed practices.

What do you think about this?



Question

Part 3 of the bill says there will be more special measures for vulnerable witnesses and people who are part of civil court cases.

What do you think about this?



Question

Part 4 of the bill will remove the verdict called **not proven** in criminal trials. This means there will only be 2 verdicts, called **guilty** and **not guilty**.

What do you think about this?



Question

Part 4 of the bill says the size of a criminal jury will change from 15 jurors to 12 jurors.

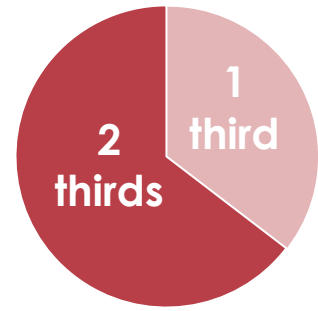


What do you think about this?

Question

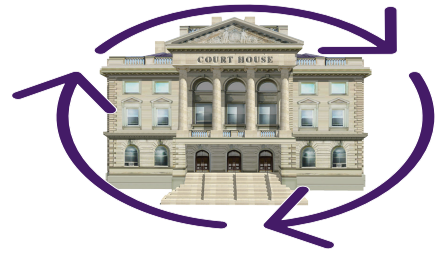
Part 4 of the bill says at least 2 thirds of a jury will need to decide a person is guilty for them to be convicted of a crime.

What do you think about this?



Question

Part 5 of the bill will make a new court called the Sexual Offences Court and show how it will be part of the criminal justice system.



What do you think about this?

Question

Part 6 of the bill says victims of sexual crimes and some other crimes will automatically have a right to anonymity.

What do you think about this?



Question

Part 6 of the bill says complainers in sexual crimes will have a right to independent legal representation when an application is made to show information about their sexual history.

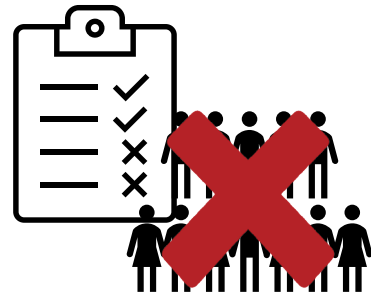
What do you think about this?



Question

Part 6 of the bill says there can be a pilot for rape trials that have a judge or sheriff and no jury.

What do you think about this?



Question

Is there anything else you want to tell us about the bill?



What we do with your information



Your information means anything you tell us that lets other people know who you are, like your name or email address.



If you fill in this survey, we will put your name and your answers to the questions on a website called **Citizen Space**.



You can ask us not to do this.

Please choose 1 box to tell us what you want us to do.



- I want my name **and** my answers to be put on Citizen Space.
- I want my answers to be put on Citizen Space **but not** my name.
- I **do not** want my name **or** my answers to be put on Citizen Space.

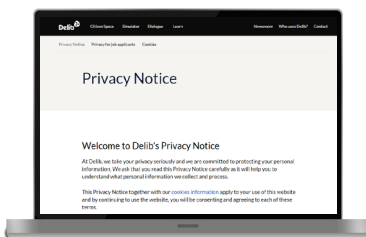


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archive2021.parliament.scot/Privacy-Notice/Submitting_Your_Views_to_A_Committee_Easy_Read.pdf



Go to this website to read the privacy notice for Citizen Space
www.delib.net/legal/privacy_notice

Contact us



If you have any questions,
send an email to this address

vwjrbill@parliament.scot

or call this telephone number

0131 348 5000



If you want information in other
languages or in British Sign
Language (BSL), please ask us.