



MANIFESTO FOR CHANGE

CONTENTS

Chief Executive _____	2
Introduction _____	3
A Manifesto for Change 2007-2011 _____	4
Victim Support Scotland _____	6
Victims' role _____	8
Regarding VICTIMS _____	9
Regarding WITNESSES _____	17
Regarding the VOLUNTARY SECTOR _____	20
Regarding NEW SERVICES _____	21
Victimisation in Scotland _____	24
Focus on the victims _____	25
Scotland – a volunteering country _____	26
Victims without borders – international scope of victimisation _____	27
Endnotes _____	28

CHIEF EXECUTIVE

Victim Support Scotland seeks to improve the quality of life in our communities. The key challenge is to deliver positive change for people affected by crime. Victims, survivors and witnesses are entitled to appropriate help and support in the aftermath of crime. We have an enviable record of success in delivering change. Committed to partnership working across Scotland, in every field we have delivered tangible results.

We recognise the contribution that other voluntary organisations and public agencies have to play in delivering quality services and we will play our part in promoting high standards in all that we seek to achieve.

Our proposals for this Manifesto are carefully constructed to improve the position of all in Scotland affected by crime. We hope that you can join us in working to secure positive change in the care, support and treatment of victims and witnesses throughout Scotland.



A handwritten signature in blue ink that reads "David McKenna". The signature is written in a cursive style with a large, stylized initial 'D'.

David McKenna, Victim Support Scotland

INTRODUCTION

Victim Support Scotland's Manifesto 2007-2011 calls on the Scottish Parliament to continue the commitments of the Scottish Strategy for Victims. We support the Strategy and its three specific objectives to provide emotional and practical *support, information and greater participation* to victims. Additionally, we call for the full implementation of the European Union Framework Decision on the Standing of Victims in Criminal Proceedings, which is the first legally binding international document, prescribing rights for victims of crime.



Courts 4,5 and 6 →

Family Courts →

Waiting Areas →

Advocates

A MANIFESTO FOR

Victim Support Scotland calls on the Scottish Parliament to:

- 1 Set up a *Victims' Fund* to cover reasonable expenses of victims of crime who are not called as witnesses and associated family members
- 2 Demand good practice in the *media* when reporting on crime
- 3 Continue to provide *funding* and *investment* for the enhancement of victim services
- 4 Further *research* the needs of victims of crime
- 5 Enhance *diversity* by ensuring that all public agencies working with victims tailor their services according to the individual's need
- 6 Set up more widespread assistance for victims applying for *compensation*
- 7 Establish *employer responsibility*, requiring employers to develop policies and practices supporting members of staff who have become victims of crime
- 8 Ensure that all public sector workers in contact with victims or witnesses of crime complete *Victim Awareness Training*
- 9 Create *housing priority rights* for victims to be prioritised in housing transfers
- 10 Ensure that *Health* and *Education* services develop public strategies on how they intend to work with victims of crime

CHANGE 2007-2011

- 11 Recognise victims of *antisocial behaviour* as victims of crime and provide them with the same support as other victims
- 12 Establish a *right to information* for all victims
- 13 Make the *Witness Service* available in all Scottish courts
- 14 Create court environments capable of keeping the *accused separated from the victim* and associated witnesses
- 15 Ensure that all courts provide *reserved seating areas* for victims, their *families* and *witnesses*
- 16 Expand the use of *special measures* protecting *vulnerable witnesses*, both regarding children and vulnerable adults
- 17 Provide *information regarding the support available* to the voluntary sector
- 18 Enhance information and assistance to people who have been *victimised abroad*
- 19 Set up specialised support services for victims of *trafficking*
- 20 Appoint a *Victims' Commissioner*
- 21 Provide funding for support services aimed at *young victims of crime*

VICTIM SUPPORT SCOTLAND



Victim Support Scotland, established in 1985, is the largest service provider in the victims' sector. We provide practical help, emotional support and information to victims, witnesses and others affected by crime. Our vision for a future Scotland places the needs of victims and witnesses at the heart of the criminal justice system. We contribute to a safer Scotland where:

- ▶ People affected by crime have access to services which will reduce the impact of crime and assist them in their recovery
- ▶ Social and justice services do not directly or indirectly re-victimise people affected by crime
- ▶ There is an increased understanding, awareness, education and research regarding the impact of crime on the people of Scotland
- ▶ The interests of victims and others affected by crime are represented fully
- ▶ There are positive initiatives aimed at reducing crime, the fear of crime and at reducing offending, in particular re-offending

In 2005 Victim Support Scotland celebrated its 20th anniversary of helping people affected by crime. Over the years, around 700,000 people in Scotland have been referred to Victim Support Scotland for help. Today we have three separate, valuable services: victim service, witness service and youth justice service. In 2005/2006, our most successful year ever, we supported more than 170,000 victims and witnesses. Through our services, we made a vital positive difference to people affected by crime and their experience of the criminal justice system.

Victim Support Scotland strives to raise the voices of victims and witnesses in the development of criminal justice policies. We have extensive knowledge and experience, which play a significant role in the future development and provision of victim services.

We enjoy good working relationships with victim organisations in Scotland, the United Kingdom and Europe.

Victim Support Scotland is a statutory partner within the Community Justice Authorities (CJA) in Scotland, to which we are very committed. The Authorities work to improve satisfaction and care for victims as an integral part of reducing re-offending in Scotland. As a statutory partner, we strive to:

- ▶ **Enhance the provision of appropriate and timely information**
- ▶ **Contribute to the risk assessment process**
- ▶ **Improve the understanding of Court and Community Disposals**
- ▶ **Improve information on potential release of offenders**

The ability to contribute to risk assessments at appropriate stages of the offender management programme will allow for more robust and accurate decisions to be made. Improved understanding of court and community disposals will assist victims in their understanding and faith in such disposals as well as enhancing victims' sense of well being and safety within the community.

VICTIMS' ROLE

In Scotland, the role of the victim is increasing and Victim Support Scotland has taken an active part in advancing their position. The need for constructive intervention, particularly in the immediate aftermath of a crime, is identified in the Scottish Strategy for Victims. This can have a significant effect on how quickly and how well victims recover from their experiences. The broad principles that underline the Strategy are:

- ▶ A recognition of the importance of the victim and the need to provide practical and emotional support to assist the victim to recover and towards prevention of further crime or secondary victimisation;
- ▶ A commitment to provide explanations for victims about the criminal justice and other processes with which they are involved;
- ▶ A recognition that victims have a legitimate interest in the cases with which they are involved and so have a contribution to make;
- ▶ A commitment to offer victims information on the progress of their cases; and
- ▶ A recognition that victims should be enabled to have a voice throughout the stages of the criminal justice system.

One of the most significant developments from the Scottish Strategy for Victims is the National Standards for Victims of Crime. For the first time, victims of crime received the commitment from key agencies that they will be treated with dignity and respect at all times, regardless of gender, age, marital status, race, ethnic origin, sexual orientation, disability or religion. The aims of the National Standards are to ensure that victims receive information, practical support and are able to participate more fully in the criminal justice system. Victim Support Scotland supports the National Standards and the Scottish Strategy for Victims by providing information and support to victims, promoting victims' right to information and making victims' voices heard in the development of criminal justice policies.

VICTIMS – VICTIM SUPPORT SCOTLAND CALLS ON THE SCOTTISH PARLIAMENT TO:

1 Set up a *Victims' Fund* to cover reasonable expenses of victims of crime who are not called as witnesses and associated family members

In order to maximise the involvement and participation of victims in the criminal justice process, a victims' fund should be established to enable all victims of crime who are not called to court as witnesses and their family members to attend court. The fund should cover reasonable expenses including subsistence, accommodation, travel and time off work. Attending the trial is important for many victims as part of alleviating distress or finding closure. However, the expenses incurred when attending the trial or sentencing of the accused may prevent the victim from being able to be present at court, which is detrimental to the individual and to the role of victims in the criminal justice process.

2 Demand good practice in the *media* when reporting on crime

To be a victim of crime, or a close family member to a victim of crime, is a traumatic experience. To have to read about the crime in the media is often found to add to the emotional trauma, especially if the information is stretching the truth or incorrect. Everybody has a right to privacy, protected by several legal documents¹. According to the Council of Europe Recommendation on Assistance to Crime Victims²:

"States should encourage the media to adopt and respect... measures in order to protect victims' privacy and personal data".

Unfortunately, the right to privacy is occasionally ignored or disregarded by the media in favour of "public interest". More serious crimes often receive a higher amount of media attention, as they are seen as particularly newsworthy. By having their personal integrity and private life violated by reporters' and photographers' pursuit of a good story, many crime victims and associated family members feel disrespected and further victimised. Victim Support Scotland would like the Parliament to strengthen victims' rights to privacy and demand good practice from the media when reporting on crime.

99.95% of all referrals receive a response from Victim Support Scotland within four working days

3 Continue to provide *funding and investment* for the enhancement of victim services

The role of statutory criminal justice agencies is in general focused on law and order, including the prosecution and sentencing of offenders and protection of the public. Support given to victims is conversely often provided by the voluntary sector. The role of victims in the criminal justice system is growing through new initiatives such as Victim Statements and the Victim Notification Scheme. There is more to be done. If victims of crime get the support they need, they can more speedily return to work and to as normal a life as possible, which lessens the costs of health and social benefit services.

The voluntary sector demonstrates a high level of effective partnership working across all agencies and public bodies. Generally, the voluntary sector provides good value for money in the delivery of public services. Organisations that include volunteers in their service provisions deliver particularly cost effective services. A balance must however be struck between quality and costs. The interests of victims are best served if scarce resources are applied with consideration and efficiency, focusing on quality outcomes. Victim Support Scotland would like the Scottish Parliament to consider victim service providers in the voluntary sector as the primary vehicle to deliver positive outcomes for victims of crime and would therefore propose that:³

1. A review of the funding arrangements for services to victims of crime in Scotland be undertaken
2. Consideration be given to establishing 3-year funding cycles as a standard for victim services
3. Consideration be given to a one-door approach to fund victim services, where funding requests for all parts of the services are made on one application
4. Consideration be given to providing additional resources and support for victims of unreported crime

95,000 victims of crime received support through our community based victim services last year

4 Further research the needs of victims of crime

In order to provide efficient support and information to victims of crime it is essential to identify their immediate needs. Knowledge within this area is unfortunately limited. Deeper understanding is needed regarding the physiological trauma of victimisation and victims' experiences of participating in the judicial criminal system, in particular in regard to young victims of crime. Not even a common agreement on the definition of a "victim" has been firmly decided yet. In criminal justice terms, victimology is a relatively new area of understanding. Basic needs of safety, security, information and participation have been researched and identified, but more information is required to put the needs into service provisions. In addition, there is insufficient evidence to indicate if one type of service delivery, i.e. generic, specialist or self-help services, is more efficient than the other. What is clear is that some victims express or develop a preference towards one form of support as opposed to another. One size clearly does not fit all. Victim Support Scotland would therefore like to see further research and practical information being developed regarding work with victims.

The Scottish Executive has produced several tools advancing the rights of victims of crime, for instance the *National Standards for Victims of Crime* and the *Scottish Strategy for Victims*. It would be useful to research the effects of these tools along with its associated programmes and legislation. Through updated research, victim organisations would be encouraged to take account of new evidence and practice when setting their approach to service delivery.

5 Enhance diversity by ensuring that all public agencies working with victims tailor their services according to the individual's need

Scotland is a diverse society, composed of individuals with different backgrounds, abilities and needs. Public services should to be accessible to all and therefore reflect these differences. However, many services provided for victims and witnesses are still not accessible to all. The European Forum for Victim Services prescribes that there should be equal access to all victim services without any victim being discriminated against on the basis of age, gender, sexuality, disability, culture, race, religion, occupation or political opinion⁴. In UK legislation, a Race



Equality Duty⁵, Disability Equality Duty⁶ and Gender Equality Duty⁷ place legal obligations on the public sector and providers of public services to give due regard to equality and take positive steps to eliminate discrimination. To fulfil the duties, efforts will have to be made within all areas, including the criminal justice agencies. For instance, there are about 1 million disabled people in Scotland, which comprises about 1/5th of the population. Still, many courts are not accessible by wheelchair. The development of specific services to victims of crime has focused on domestic violence, rape and sexual assault, murder and child abuse. To date, the focus has been on the type of crime that has been committed and not on the characteristics of the victim. Efforts must be made to recognise and embrace diversity as an essential component of all service delivery to people affected by crime.

6 Set up more widespread assistance for victims applying for *compensation*

“Responsibility for meeting victims’ needs e.g. with regard to personal safety or compensation, will be a central element in the agendas of criminal justice agencies”⁸. In order to access their rightful compensation, many victims need information, support and representation. The role of the voluntary sector has grown and is today able to provide effective and valuable services and advice. Victim Support Scotland is the lead referral agency supporting victims of crime and has expertise and knowledge in the field of compensation. We have considerable experience assisting victims to compose and file their Criminal Injuries Compensation Scheme claims, but would like to do more substantial work in this area. As assistance and representation from other agencies is limited regarding compensation, Victim Support Scotland calls for increased funding to expand the service to assist all victims of crime applying to the Criminal Injuries Compensation Authority, which is the practice in Northern Ireland.

“I had no idea what was going on. I didn’t know a young boy had even been caught but Victim Support were able to tell me. They were able to tell me what the procedures were relating to being victims of youth crime, things about insurance, criminal injuries and personal safety. We were able to share our frustration and anger and talk to someone who really knew how me and my family felt. It was reassuring to know there is help for the victims”. VICTIM

7 Establish *employer responsibility*, requiring employers to develop policies and practices supporting members of staff who have become victims of crime

An essential part of Victim Support Scotland's work is to campaign for improved care, support and understanding of people affected by crime. Threats and violence at work may leave staff feeling distressed and worried about returning to work. As an employer, Victim Support Scotland works to ensure that our volunteers and staff are supported if they are affected by crime, regardless of where the crime took place. We wish to see a requirement for all employers to take responsibility for the wellbeing of their volunteers and staff by providing a support system at work, regardless if the crime took place at work or elsewhere.

8 Ensure that all public sector workers in contact with victims or witnesses of crime complete *Victim Awareness Training*

Victims and witnesses of crime come in contact with many public agencies, including Health, Education and Housing agencies. Training is often focused on how to work with offenders. However, “[t]here is a fine balance to be maintained between the rights of the victim and the rights of the accused. It is for this reason that victim awareness training will be provided for all personnel in the criminal justice system including the judiciary”⁹. The European Union Framework Decision also proclaims that each Member State should enable personnel involved with victims to receive suitable training¹⁰. Victim Support Scotland supports this view and we acknowledge that progress has been made in the provision of training. However, as “the responsibility for supporting victims of crime goes beyond the concerns of criminal justice agencies alone”¹¹ training should be made mandatory within all agencies, not just criminal justice authorities. This would ensure that anyone supporting victims of crime is competent to do so.



The whole area of learning and training provision in the victims' area requires assessment and review toward developing a co-ordinated approach to quality assurance, standards in service delivery and customer care. Currently most agencies and service providers develop their victim training in relative isolation to each other. In Scotland, there is a need to encourage development within academic and professional institutions to enhance the knowledge of victimisation and needs of victims. To ensure that quality and standards issues are addressed in learning and skill development, Victim Support Scotland recommends that funding be provided for particular agencies or organisations to develop and deliver training. Overall, a coherent standard approach to training should be developed and a national review of training provision should be undertaken.

9 **Create *housing priority rights* for victims to be prioritised in housing transfers**

Being a victim of crime affects all aspects of a person's life and often leaves victims experiencing anxiety, depression or post-traumatic disorders. To have a stable home environment may help to increase a person's sense of security and stability. Therefore, it is essential to accommodate victims who feel they need to move after a crime has taken place. Especially in cases where the house is the crime scene, having to stay may put additional stress on the victim. According to the draft UN Convention, aimed to advance the implementation and compliance of the UN Declaration on the Basic Principles of Justice for Victims of Crimes and Abuse of Power, States have a responsibility to provide housing and to assure and re-establish the victim's place in the community¹². To fulfil this requirement, victims should be given priority in housing transfers. In cases where the house is the crime scene, victims should be re-housed immediately, if they so wish, to an appropriate and equivalent accommodation.



“I would like to say thank you from both myself and my husband. We are so grateful for all the help and advice you gave and it helped us through what was probably the worst time in my life due to the horrible incident that happened. We are very settled now and getting on in our new home, and are gradually feeling happier and safer. Thanks ever so much”. VICTIM

10 Ensure that *Health and Education* services develop public strategies on how they intend to work with victims of crime

In the aftermath of a crime, people's reactions to the offence depend on many factors, such as the seriousness of the incident and the personal circumstances of the victim. However, almost all victims experience an emotional reaction and have a need for support, security and recognition. When in contact with public service providers, these needs have to be understood and met to maximise crime victims' potential to return to normal life after a crime. Health and Education are two fundamental public services that come in contact with people from all parts of society, including people affected by crime. In fact, "it is widely believed that health service providers in Scotland work with more people as a result of crime than the total number of people with cancer, heart disease and stroke"¹³. In addition to providing Victim Awareness Training, Victim Support Scotland would like to see all Health and Education service providers develop and implement strategies on how they intend to meet the specific needs of victims of crime.

11 Recognise victims of *antisocial behaviour* as victims of crime and provide them with the same support as other victims

Victim Support Scotland has identified victims of antisocial behaviour as among the most vulnerable individuals in society. However, as they are not victims of a criminal offence, they are often not recognised as victims, therefore cannot access the same support services as other victims of crime. During the development of the Antisocial Behaviour (Scotland) Act 2004, Victim Support Scotland immediately indicated our support of the legislation. We contacted every local authority within Scotland to offer our support and assistance in developing local strategies to tackle this particular issue. We would like to commend the commitment and progress made by several local authorities in fighting antisocial behaviour within their respective areas.

Victims of antisocial behaviour are often repeat victims. Scottish Crime Surveys suggest that about 5% of crime victims experience around 50% of all crimes. Victim Support Scotland supports all victims, including victims of antisocial behaviour. We would like to see the same efforts being made by other agencies in contact with victims and for the Parliament to maintain its commitment in addressing the problem of antisocial behaviour beyond 2008.



12 Establish a *right to information* for all victims

The Scottish Strategy for Victims prescribes access to information as one of the three policy objectives when dealing with victims of crime. “This will enable them to make appropriate decisions and reduce feelings of disempowerment”¹⁴. European Union Framework Decision also stresses a victim’s right to receive information¹⁵. Victim Support Scotland has identified two parts of the criminal justice system where victims’ rights to information should be enhanced.

Victim Support Scotland calls for the extension of the Victim Notification Scheme to include all victims of crime.

The Scottish Strategy for Victims aims “to ensure that victims have the information they need at the right time, in the right level of detail and in the right format for their needs”¹⁶. The Strategy acknowledges that victims want case specific information such as “arrest and charge of perpetrator, decision not to proceed... trial dates... release from custody and post-release supervision”¹⁷. A key feature is to offer information to **all** victims¹⁸. The Victim Notification Scheme is a statutory scheme¹⁹ that provides information to victims of crime where the offender has been sentenced to imprisonment of 4 years or more. In line with the commitments made in the Scottish Strategy for Victims, Victim Support Scotland calls for the Victim Notification Scheme to be extended to include all victims of crime.

Victim Support Scotland calls for a legitimate right for victims to see their own statement.

When giving the initial statements to the Police after a crime, victims are often in a very stressful and emotionally strained situation. Once the victim has recovered, it may be hard to remember what has been said. Additionally, as it may take several months before the case goes to trial, victims often find it hard to remember their exact wording. We acknowledge that letting victims see their statements might be seen as “coaching”, which is a concern that needs to be resolved. Regardless of this, Victim Support Scotland would like all victims of crime to be allowed to see their own statements.



WITNESSES – VICTIM SUPPORT SCOTLAND CALLS ON THE SCOTTISH PARLIAMENT TO:

13 Make the *Witness Service* available in all Scottish courts

The Witness Service provides support to any victim, witness or family member attending trial. As many witnesses and victims have no prior knowledge of the court system, the service can help to ensure that the individual's time in court runs as smoothly as possible, minimising anxiety and distress. The Witness Service has been praised for its high level of professionalism, practical caring attitude, and ability to adapt to the needs of a diverse range of people.

The service has expanded drastically since the project was piloted in 1996/1997 and is today available in all Sheriff Courts and High Courts in Scotland. In 2005/2006, our busiest year ever, the service received more than 75,000 referrals. At the moment, the Witness Service is not available in what are presently termed as District Courts, where the facilities are generally poorer. Many of the cases in the lower courts deal with repeat victimisation, a matter at the heart of Victim Support Scotland and now also the Community Justice Authorities. In addition, many witnesses in the lower courts risk intimidation and harassment prior to attending court. Regardless of which court a witness attends, the need for support and information is the same. This is in line with the Justice Minister's comment that the success of the High Court reform needs to be repeated in District and Sheriff Courts. "Our reform programme runs through every part of the justice services... successful unification of the lower courts can pave the way for the type of improvements we're already seeing in the High Courts – better for victims, better for witnesses, better for communities"²⁰. Victim Support Scotland would like to stress that consideration be given, as part of the summary justice reform, to extend the availability of the Witness Service to all Scottish Courts.

75,000 referrals of victims and witnesses attending court were received by the Witness Service 2005/2006

"A young 14 year old boy was seriously distressed, not sleeping and self harming due to being a victim of a paedophile and having to give evidence against him in court. We gave him a pre-trial visit before a screens application was granted and then again on the day with the screens in situ, which left him visibly relieved that he didn't have to see the offender. His evidence went very well and the offender changed his plea to guilty midway through the trial which spared another young victim from also giving evidence". VOLUNTEER

14 Create court environments capable of keeping the *accused separated from the victim and associated witnesses*

“A great deal can be achieved to reduce the stress which victims experience and the potential for intimidation which exists by taking care over the arrangements provided for them”²¹. Still, in many courts the victim is forced to register in the same reception and often wait in close proximity to the accused. This adds extra stress and anxiety to an already emotional situation and increases the risk and opportunity for intimidation of victims and witnesses. To address this, courts should keep the victim and associated witnesses separated from the accused at all times. We acknowledge the limitations set by the current construction of court buildings, but courts should strive to the maximum of their available resources to keep the parties separated, for instance by the provision of separate and safe entrances (including metal detectors), waiting areas and refreshment facilities.

15 Ensure that all courts provide *reserved seating areas for victims, their families and witnesses*

To attend court as a victim of crime is often a very stressful experience, therefore family members are frequently brought along to give emotional support. It is essential for victims to be able to see and sit close to their family, as it may create a more familiar and comforting atmosphere in the otherwise formal court environment. Similarly, to have reserved seating for witnesses who have given their statements will enable them to stay to watch the outcome of the trial. This shows consideration and acknowledgement that witnesses have an important role to play. Victim Support Scotland would like to see reserved seating areas in all courtrooms for victims, their families and witnesses, in particular regarding families bereaved by murder.



The new website www.witnessesinscotland.com has been introduced to give information to anyone who has been asked to be a witness in criminal proceedings or children's hearing court proceedings

16 Expand the use of *special measures* protecting *vulnerable witnesses*, both regarding children and vulnerable adults

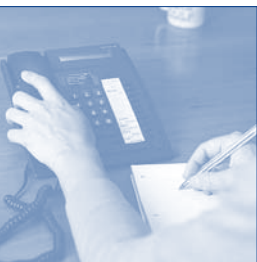
“Each Member State shall ensure that victims who are particularly vulnerable can benefit from specific treatment best suited to their circumstances”²². Since the implementation of the Vulnerable Witnesses (Scotland) Act 2004, there has been a small reduction in child witnesses appearing in the formal settings of the courts. However, improvements are still needed, as no child should have to appear in the court precincts to give evidence in person. Instead, all children should be given the chance to provide evidence through special measures, for instance using television links from other parts of the court building or from “remote sites”. Consideration should also be given to vulnerable adults, as the legislation is being phased in throughout Scotland. The Vulnerable Witness (Scotland) Act 2004 focuses on improving conditions for vulnerable witnesses by increasing support measures, enabling witnesses to give the best possible evidence. We acknowledge that there are identification issues which have to be resolved regarding special measures, but Victim Support Scotland would like the legislation to be used to its full potential. We strive for early and proper assessments to identify who might be seen as a vulnerable witness, in order for special measures to be put in place.



VOLUNTARY SECTOR – VICTIM SUPPORT SCOTLAND CALLS ON THE SCOTTISH PARLIAMENT TO:

17 Provide *information regarding the support available to the voluntary sector*

The Scottish Executive has expressed its strong belief in the voluntary sector: “Our vision of the future is of a Scotland where we have unlocked the potential of voluntary and community action, where the voluntary sector’s broad contribution to communities and to Scotland is fully recognised”²³. The voluntary sector is increasingly being acknowledged as a partner and service provider alongside the public and private sectors. The increased contribution of the sector would be even greater by more communication between the Scottish Executive and the voluntary sector, raising awareness and promotion of best practices. Victim Support Scotland supports the *Scottish Compact Implementation Strategy* and agrees with the review group’s suggestion that the Scottish Executive and the voluntary sector need to work together and provide training to promote the relationship between the sectors. This will improve understanding and respect for the work of the voluntary sector. According to the *Scottish Compact Good Practices Guides*, the Scottish Executive has a duty to “ensure that, in the process of policy-making, the impact of changes in policy and procedures on voluntary organisations, volunteering and community groups is considered and taken fully into account”. Given the role of the Scottish Executive to encourage the contribution of voluntary organisations, it is essential to ensure that Executive policies do not “place an unreasonable burden on the sector or overlook its potential contribution”, a view also supported by the Scottish Council for Voluntary Organisations’ (SCVO) Manifesto. Victim Support Scotland commends the “proofing” of new policies and procedures on their impact on voluntary organisations. We would like to be able to take an even greater part in this important process, making sure that new policies will enhance the most useful and effective contribution to voluntary sector interests.



NEW SERVICES – VICTIM SUPPORT SCOTLAND CALLS ON THE SCOTTISH PARLIAMENT TO:

18 Enhance information and assistance to people who have been *victimised abroad*

Being a victim of crime is an emotionally demanding experience. When being victimised abroad, additional difficulties might occur, such as language barriers and different legal systems. After returning to Scotland, many victims feel confused about their rights. The same applies to foreign nationals who have been a victim of crime while visiting Scotland. Depending on the country where the crime took place, there are varying amounts of information guiding and assisting the victim for further actions.

“Each Member State shall ensure that its competent authorities can take appropriate measures to minimise the difficulties faced where the victim is a resident of a State other than the one where the offence has occurred”²⁴.

In Scotland, the Criminal Injuries Compensation Authority (CICA) receives compensation applications from UK residents who have been victimised abroad. The office operates in accordance with the European Directive on Compensation²⁵, but is only dealing with a limited range of cases²⁶. In addition, the service of CICA is unfortunately unknown to many Scottish victims. Victim Support Scotland would like to see additional information being provided to Scottish residents who have been victimised abroad, where to receive advice on compensation claims and general queries regarding legal counsels and interpreters. Advice and support should also be given to Scottish victims who do not fit the scope of CICA and to foreign nationals who have been victimised while visiting Scotland.

“Sometimes, the simplest, most direct approach pays dividends. A mother of a young man who’d witnessed a drug related crime while on holiday in Spain contacted us. He’d been called to court but didn’t know what was happening and couldn’t speak Spanish. He needed practical and financial help to get to the court and feared if he didn’t attend that legal actions would be taken. We contacted the court in Spain and explained the situation and the family were told a few days later that he would not need to go back to Spain to attend the trial”. VOLUNTEER



19 **Set up specialised support services for victims of *trafficking***

Victim Support Scotland provides information and support to all victims of crimes. In addition, there are specialised services providing support to victims of specific crimes, such as domestic abuse, rape and sexual assault, as the needs of these victims may be slightly different and go beyond the needs of victims of other crimes. Victims of trafficking experience extensive physical and emotional damage. A recent study²⁷ shows that women who have been trafficked into sex work appear to have similar health problems to those documented among victims of torture. The women's anxiety, depression and hostility levels are extremely high – 38% report suicidal thoughts, and 95% report feeling depressed.

The support provided to victims of trafficking is limited and very irregular throughout the UK. From a legal perspective, victims of trafficking are often considered as illegal immigrants. There have even been cases of trafficking victims being rescued and simply transferred to immigration detention centres before being deported back to their home countries, without assessment of risk. The Council of Europe urges Member states to organise legal, medical and psychological assistance for victims of trafficking and help them reintegrate into their country of origin upon their return²⁸. Victim Support Scotland calls on specialised support and information services to be provided for victims of trafficking. This should include provision of healthcare for all trafficked women, irrespective of their legal status.

20 **Appoint a *Victims' Commissioner***

The UK Government has agreed to appoint Victims' Commissioners in England and Wales and in Northern Ireland. Victim Support Scotland sees the need for a Victim's Commissioner for Scotland, to review the adequacy and effectiveness of Scottish laws and practices affecting victims of crime. The Commissioner should be appointed to maintain the National Standards for Victims and safeguard matters relating to the interests and needs of victims. By reporting directly to the Parliament, the Commissioner should be able to intervene in potential violations of victims' rights before they occur and issue preventative guidance to all agencies dealing with people affected by crime. The Commissioner should have the power to deal with individual complaints as well as launch investigations on his/her own initiative.



21 Provide funding for support services aimed at *young victims of crime*

The degree of impact that a crime has upon a victim is not only determined by the severity of the crime, but also by personal or social characteristics. Scottish Crime Surveys show that 1/3rd of victims of violent crimes considered the event to have had a long lasting effect on them, for instance making them feel anxious, fearful or having a lack of confidence. Factors such as age and development influence the ability of a victim to understand and cope with the situation. Today, young people affected by crime are not getting routine access to adequate services nationwide. Additional and specialised support is therefore needed to fit young people's needs and life circumstances, which may be very different from adult victims. Victim Support Scotland would like to establish a specialist service in every region in Scotland, aimed specifically at young victims of crime. We would also like to create support networks, in collaboration with youth centres, schools and health providers, to build a service fitting this specific purpose.

17,000 young people are supported through Victim Support's community and court based services each year.

Victim Support Scotland has developed an interactive website for young victims of crime. It can be found at www.crimeandyoungpeople.net

"Two men followed me off a bus and stole my jacket. They had a knife so I had to give it to them but it was a present from my mum and really expensive. After this I was scared to leave my house and thought they would find me and do it again. I thought they had targeted me. My mom blamed herself for buying the jacket and blamed me for wearing it on the street. Victim Support really helped me and my mom look at the crime for what it really was. It wasn't personal to me, and through talking with them over time I began to be able to go outside and feel safer again". VICTIM



VICTIMISATION IN SCOTLAND

Nearly one million crimes are committed in Scotland every year, about 50% of which are never reported to the Police. However, recorded crime rates in Scotland are falling and violent crimes are at their lowest level since devolution. Figures show that the total number of crimes recorded by the Police in 2005-06 was 417,785, a decrease of 20,336 (5%) compared to 2004-05²⁹. The number of non-sexual crimes of violence recorded by the Police decreased by 7% between 2004-05 and 2005-06, to a total of 13,726 and the number of sexual crimes (crimes of indecency) decreased by 10% compared to 2004-05 to 6,588 cases, the lowest total in 4 years.

CRIMES RECORDED BY THE POLICE 2005/2006 INCLUDED:

Serious assault	7,151	Housebreaking	31,319
Robbery	3,553	Shoplifting	28,247
Rape and attempted rape	1,161	Vandalism etc	123,033
Indecent assault	1,508		

According to the latest Scottish Crime Survey, 40% of all crimes committed in Scotland are against individuals and 60% are against property.³⁰ About 1/4 (24%) of all crimes involve violence, predominantly minor assault. Estimates show that 44% of crimes presented in the survey came to the attention of the Police. In the cases where the incident was not reported, the main reasons given were that the Police would not have been able to do anything (35% of unreported incidents), the incident was too trivial (35%) or the Police would not have been interested (19%).

FOCUS ON THE VICTIMS

Victim Support Scotland strives to enlighten the needs and views of people affected by crime and to make victims play a central role in the criminal justice and youth justice systems. To continue working to fulfil the National Standards and Scottish Strategy for Victims, it would be beneficial if the Government and all agencies and organisations in the victims' sector agreed on a shared outcome in supporting victims of crime. A debate is required, but the following outcomes would be desirable for victims in the aftermath of crime:

1. Restored or improved physical and mental wellbeing
2. Reduced potential to suffer re-victimisation
3. Maintained family and community relationships
4. Restored economic and social situation
5. A speedy return to as normal a life as possible
6. Improved confidence in the criminal justice system
7. Victims feeling effectively informed, involved and supported
8. Victims having a positive view of how their needs were met

SCOTLAND – A VOLUNTEERING COUNTRY

In recent years, the voluntary sector has increased considerably and now operates in almost every part of society, with activities ranging from environment to criminal justice³¹. Volunteering is today worth an astonishing £2.52 billion³² of the Scottish economy. Estimated figures show that 38% of adults in Scotland volunteer on a formal³³ basis, and that a staggering 81% of adults volunteer on an informal³⁴ basis.³⁵

Regarding victims of crime, there are about 20 key providers and more than 50 different organisations focused on the needs of victims in Scotland. The main body of knowledge and experience of victims' needs resides with the voluntary providers³⁶. Victim Support Scotland is the largest service provider and leading voluntary organisation in Scotland helping people affected by crime. We are committed to the continued support and development of our volunteers as we know the value that volunteers contribute to the economy and quality of life in Scotland.

1,000 volunteers
carried out the work
of Victim Support
Scotland's local
services in 2005/2006

VICTIMS WITHOUT BORDERS

INTERNATIONAL SCOPE OF VICTIMISATION

Victim Support Scotland is part of a wider national strategy for a safer Scotland. We commend the Scottish Executive's Vision for the Voluntary Sector and will continue to discuss and debate with others how the needs of victims and witnesses should be recognised and addressed. However, our work goes beyond the borders of Scotland. We are part of the European Forum for Victim Services³⁷ and support the Manifesto for Volunteering in Europe³⁸.

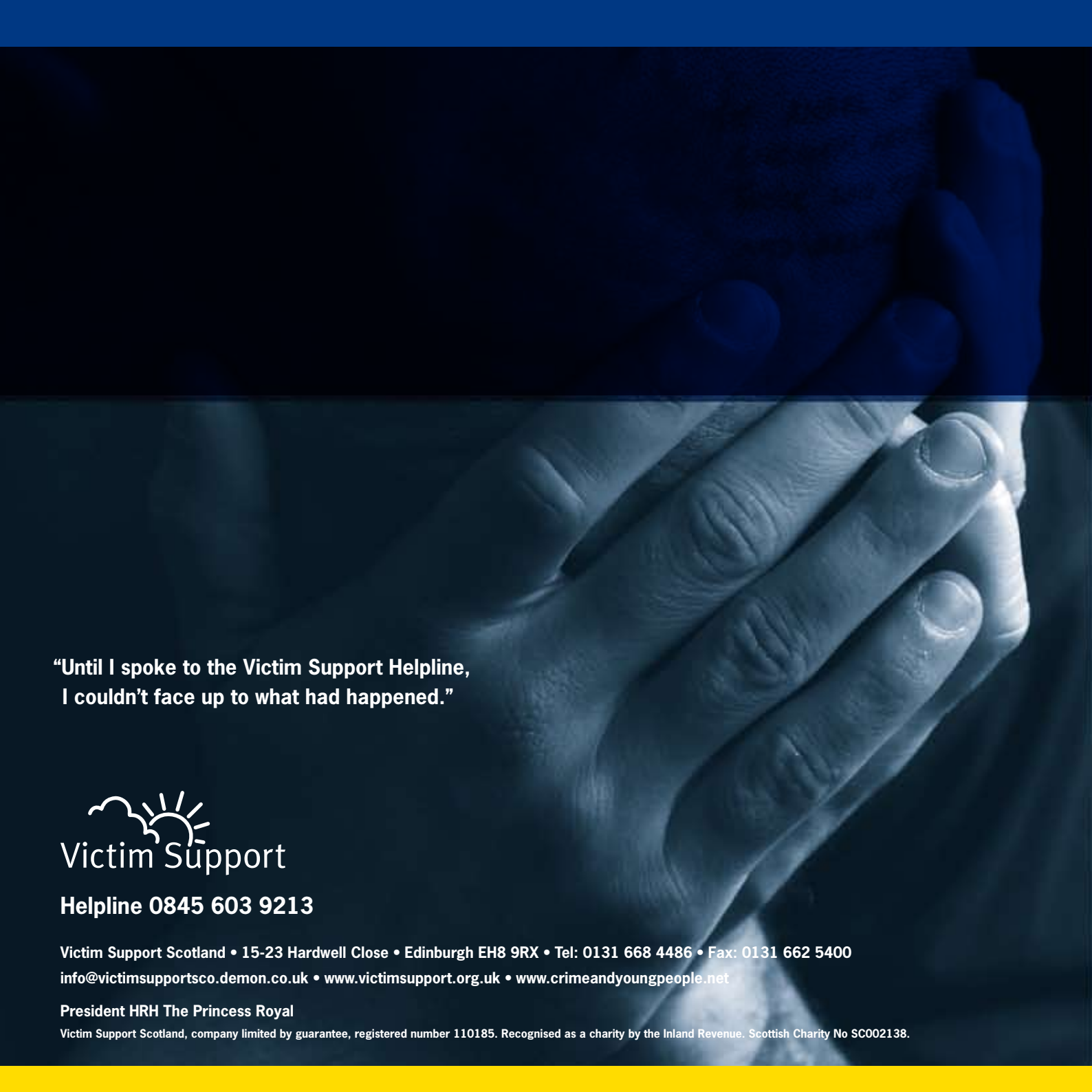
In 1985, the United Nations adopted the Declaration of Basic Principles for Victims of Crime and Abuse of Power. The Declaration points out that victims and their families should be treated with "compassion and dignity" and also addresses issues such as access to justice, restitution, compensation and assistance. Judicial and administrative agencies are, among other things, obligated to:

- ▶ Keep victims informed of their cases
- ▶ Allow victims' views and concerns to be presented and considered
- ▶ Minimise inconvenience to victims
- ▶ Avoid unnecessary delay

INTERVICT³⁹ has produced a draft UN Convention on Justice and Support for Victims of Crime and Abuse of Power, which extends the scope of the UN Declaration. It will, if adopted, create another useful tool in the international protection and promotion of victims' rights.

Work has also progressed regionally within Europe to strengthen victims' rights.⁴⁰ The most important document in establishing rights for victims of crime is the 2001 European Union Framework Decision on the Standing of Victims in Criminal Proceedings⁴¹. The Framework Decision establishes legally binding demands on all Member States of the European Union. It covers a large number of areas such as victims' rights to receive information, communication safeguards, right to protection, cooperation between Member States and assistance to victims resident in another Member State.

- ¹ Such as the legally binding European Convention on Human Rights and European Union Framework Decision on the Standing of Victims in Criminal Proceedings
- ² Rec(2006)8, adopted on 14 July 2006
- ³ *A View to the future delivering services to victims of crime – Rebuilding lives*, Victim Support Scotland (2006), p. 13-14
- ⁴ *Statement of Victim's Rights to standards of service*, European Forum for Victim Services
- ⁵ November 2002
- ⁶ December 2006
- ⁷ April 2007
- ⁸ *Scottish Strategy for Victims*, Scottish Executive, section 3.3.5
- ⁹ *Scottish Strategy for Victims*, Scottish Executive, section 3.3.6
- ¹⁰ Article 15, European Union Framework Decision on the Standing of Victim in Criminal Proceedings
- ¹¹ *Scottish Strategy for Victims*, Scottish Executive, section 1.4
- ¹² Article 8, draft UN Convention on Justice and Support for Victims of Crime and Abuse of Power
- ¹³ *A View to the future delivering services to victims of crime – Rebuilding lives*, Victim Support Scotland (2006), p. 5
- ¹⁴ *Scottish Strategy for Victims*, Scottish Executive, section 3.2
- ¹⁵ Article 4, European Union Framework Decision on the Standing of Victim in Criminal Proceedings
- ¹⁶ *Scottish Strategy for Victims*, Scottish Executive, section 3.2.
- ¹⁷ *Scottish Strategy for Victims*, Scottish Executive, section 3.2.5
- ¹⁸ *Scottish Strategy for Victims*, Scottish Executive, section 3.2.1
- ¹⁹ Came into force 1 November 2004
- ²⁰ Comment by Justice Minister Cathy Jamieson during parliamentary debate on the first anniversary of the Executive's criminal justice plan
- ²¹ *Scottish Strategy for Victims*, Scottish Executive, section 3.1.10
- ²² Article 2, section 2, European Union Framework Decision on the Standing of Victims in Criminal Proceedings
- ²³ *A Vision for the Voluntary Sector: the Next Phase of our Relationship*
- ²⁴ Article 11, European Union Framework Decision on the Standing of Victims in Criminal Proceedings
- ²⁵ 2004/80/EC of 29 April 2004
- ²⁶ Injury has to have occurred on or after 1 July 2005, taken place in another EU country and be a result of a crime of violence
- ²⁷ C Zimmerman, *Stolen Smiles*, presented to the Scottish Parliament 29th June 2006
- ²⁸ 1997 Council of Europe recommendation 1325
- ²⁹ Scottish Executive, Statistical Bulletin, Criminal Justice Series, 2005/2006
- ³⁰ 2004 Scottish Crime Survey. SCVS interviewed a national sample of 3,034 adults aged 16+ face-to-face between July and November 2004
- ³¹ *Scottish Compact Good Practice Guide – Advice on the Scottish Executive's relations with the voluntary sector*, Chapter 4
- ³² According to Volunteer Development Scotland (VDS)
- ³³ Formal volunteering – undertaken through an organisation, group or club to help others
- ³⁴ Informal volunteering – undertaken as an individual to help others
- ³⁵ Annual Digest of Statistics on Volunteering in Scotland, 2006, <http://www.vds.org.uk/default.aspx>
- ³⁶ *A View to the future delivering services to victims of crime – Rebuilding lives*, Victim Support Scotland (2006), p. 13
- ³⁷ The European Forum for Victim Services (EFVS) is an umbrella organisation comprised by existing national (voluntary) victim support organisations throughout Europe
- ³⁸ Launched on 24 June 2003 by the European Volunteer Centre (CEV) in the European Parliament
- ³⁹ International Victimology Institute, Tilburg University, The Netherlands
- ⁴⁰ For instance the 1985 Council of Europe Recommendation on the Position of the Victim in the Framework of Criminal Law and Procedure and the Statement of Victim's Rights in the Process of Criminal Justice, issued by the European Forum for Victim Services in 1996
- ⁴¹ Council Framework Decision of 15 March 2001 (2001/220/JHA)



**“Until I spoke to the Victim Support Helpline,
I couldn’t face up to what had happened.”**



Helpline 0845 603 9213

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President HRH The Princess Royal

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