



Scotland

1 - My rights as a victim of crime

What information will I get from the authority after the crime occurred (e.g. police, public prosecutor) but before I even report the crime?

You may also be able to access information relating to a crime by contacting relevant organisations (Police Scotland, the Crown Office and Procurator Fiscal Service, the Scottish Courts and Tribunals Service, Scottish Prison Service and Parole Scotland.) For more information, you can visit [the crime, justice and the law section of the Scottish Government's website](#).

If you do decide to report a crime to the police, they will issue you with a victim care card. This will acknowledge your complaint and provide further information.

The [Victim's Code for Scotland](#) also outlines a number of rights which can be accessed, depending on which stage you are at in the criminal justice system.

I don't live in the EU country where the crime took place (EU and non-EU citizens). How are my rights protected?

Even if the offence was not committed in Scotland, you may still be entitled to protection when living in Scotland, using measures like:

The European Protection Order (EPO). The EPO allows an order made by a court anywhere in the EU (for example, prohibiting a particular individual from approaching you) to be recognised and enforced in Scotland. Or if the order was made in Scotland, it may be transferrable to the country in which you live.

Further information about the EPO can be obtained from the Scottish Courts and Tribunals Service website.

Under the Victims and Witnesses Act 2014, you can report a crime committed in another EU Member State to Police Scotland, who have the responsibility to ensure that the complaint is transmitted without undue delay to the appropriate authority of the Member State in which the offence or alleged offence was committed.

If I report a crime, what information will I receive?

If you choose to report a crime, you will receive a victim care card. You also have the right to request case-specific information from the following authorities.

- From Police Scotland - information about a decision not to proceed with a criminal investigation and any reasons for it, and a decision to end a criminal investigation and any reasons for it.
- From the Crown Office and Procurator Fiscal Service - if your case is not prosecuted, you have the right to be told the reasons why and to request a review of this decision.
- From the Scottish Courts and Tribunals Service - the dates of any court hearings, the final decision of a court in a trial or any appeal arising from the trial, and any reasons for it.

Am I entitled to free interpreting or translation services (when I contact the police or other authorities, or during the investigation and trial)?

During the criminal justice process, you are entitled to understand and be understood during proceedings. If you have difficulty understanding or speaking English, you can request an interpreter to help you:

- Understand any questions you are being asked;
- Understand any information you are being given;
- Give answers and provide information; and otherwise communicate effectively.

You may also request translation of a document if it is provided to you by law, or if is essential to your participation in the investigation or proceedings.

How does the authority ensure that I understand and that I am understood (if I am a child; if I have a disability)

Information is available, on request, in a variety of formats, and an easy read version of the Victims' Code will be available soon.

Appropriate Adults help to facilitate communication between police and victims aged 16 and over who have communication difficulties as a result of a mental disorder, including a learning disability. This is primarily during police interviews, but can also include forensic examinations and identification procedures.

Victim support services

Who provides victim support?

There are a number of victim support organisations depending on the nature of the crime.

- Victim Support Scotland is the largest charity providing support and information services to victims and witnesses of crime in Scotland. VSS uses an assessment methodology based on meeting the needs of individuals to provide personalised support
- Community Safety Glasgow (TARA) who provide support to trafficking survivors in the form of crisis accommodation, dependent on individual need, for up to 45 days, care planning, onward referral and support to access legal advice.
- Migrant Help support vulnerable migrants by providing advice and guidance to asylum seekers, Foreign National Detainee Services and advice to Foreign National Prisoners.
- Other organisations include PETAL, Rape Crisis Scotland, Scottish Women's Aid, ChildLine.
- You can find contact details for all victim support organisations within the [Victims' Code for Scotland](#).

Will the police automatically refer me to victim support?

The police will ask if you wish to be referred to victim support services and will only pass on your information to them if you have given your consent to do so.

How is my privacy protected?

When you report a crime, the police will take steps to support you and protect you from repeat victimisation, intimidation and retaliation. In terms of support these steps may include:

- Only interviewing you when necessary.
- Ensuring interviews are kept to a minimum.
- Using specialised facilities for interview.
- The court can, in certain circumstances, impose media reporting restrictions on the case you are involved in.

Do I have to report a crime before I can access victim support?

No, you have the right to use victim support services even if the crime has not been reported to the police.

Personal protection if I'm in danger

What types of protection are available?

When you report a crime the police will take steps to support you from repeat victimisation, intimidation or retaliation.

In terms of support these steps may include:

- Only interviewing you when necessary
- Ensuring interviews are kept to a minimum
- Using specialised facilities for interview

The court can, in certain circumstances, impose media reporting restrictions on the case you are involved in. The court may also impose special bail conditions for accused persons, when appropriate.

Further information on protection measures can be obtained from Police Scotland or the Crown Office and Prosecutor Fiscal Service.

Who can offer me protection?

See above.

Will someone assess my case to see if I am at risk of further harm by the offender?

See above.

Will someone assess my case to see if I am at risk of further harm by the criminal justice system (during investigation and trial)?

See above.

What protection is available for very vulnerable victims?

See above.

I am a minor – do I have special rights?

Some individuals may be particularly vulnerable or at risk because of their circumstances or the nature of the evidence they may be asked to give to the court. There are different options available to help a vulnerable witness give their evidence in court, such as through live TV links or from behind a screen so that you cannot see the accused person. These are called "special measures".

Further information about special measures can be obtained from the Crown Office and Procurator Fiscal Service and the Scottish Courts and Tribunals Service. The relevant authorities should also ask you whether you would have any concerns about giving evidence, and can help you with options in giving evidence.

All children (aged under 18 years) are, by law, classed as vulnerable and, alongside alleged victims of domestic abuse, sexual crimes, human trafficking and stalking, are automatically entitled to the use of certain standard special measures. A witness who has a mental disorder, learning disability or is suffering fear and distress at the prospect of giving evidence might also be considered vulnerable. An assessment to establish vulnerability will be carried out by the Crown Office and Procurator Fiscal Service.

The Scottish Courts and Tribunal Service will also ensure victims have separate waiting areas from defence witnesses when waiting to give evidence in court.

My family member died because of the crime – what are my rights?

Relatives of victims of crime can also access the victim support organisations including Victim Support Scotland.

Where a close family member has died because of the crime, you may have rights (such as the right to information about a case) as if you were the victim of crime. For example, if you have a relative who died, you have a right to access information from the police.

Further information can be found in the Victims' Code and also the Standards of Service produced jointly by Police Scotland, the Crown Office and Procurator Fiscal Service, Scottish Courts and Tribunals Service, Scottish Prison Service and Parole Board for Scotland. (see link below)

My family member was a victim of crime – what are my rights?

Relatives of victims of crime can also access the victim support organisations including Victim Support Scotland.

In some circumstances (e.g. if the victim is deceased) a family member may have rights (such as the right to information about a case) as if they were the victim of crime.

For example, if you have a relative who has died, you have a right to access information from the police. Further information can be accessed from the [Victim's Code](#) and also [Standards of Service](#) produced by the Scottish Courts and Tribunals Service.

Can I access mediation services? What are the conditions? Will I be safe during mediation?

Sacro is the Scottish Community Justice Organisation which works to create safer and more cohesive communities across Scotland. They provide mediation services. More details are available [here](#) on their website.

Where can I find guidance stating my rights?

To find the most up-to-date information on victims' rights, you can read the Victims' Code for Scotland which is available [here](#).

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Last update: 17/05/2019