În materie de drept civil, procedurile și acțiunile în curs intentate înainte de încheierea perioadei de tranziție vor continua în temeiul legislației UE. În baza unui acord reciproc între UE și Regatul Unit, Portalul e-justiție va păstra informațiile legate de Regatul Unit până la sfârșitul anului 2024.

Versiunea lingvistică pe care o consultați acum este în lucru la traducătorii noștri.

engleză

Pagina este deja disponibilă în următoarele limbi: en.

Swipe to change

Drepturile victimelor, pe ţări

Scoţia

Drepturile victimelor în Scoția

Ca victimă a unei infracțiuni, aveți anumite drepturi.

Aveți dreptul de a primi sprijin emoțional și îndrumări practice pe parcursul procesului și eventual despăgubiri pentru daunele cauzate ca urmare a infracțiunii.

Codul scoțian privind drepturile victimelor prevede drepturile pe care le aveți, modul în care le puteți exercita și persoanele de contact pentru a primi ajutor și consiliere. Acesta include informații cu privire la:

Dreptul la un standard minim de servicii - modul în care veți fi tratat de către instituțiile de justiție penală

Dreptul la informare - modul în care veți fi informat cu privire la caz și ce informații puteți solicita

Dreptul de a participa la proces - dreptul de a înțelege și a fi înțeles în legătură cu ce se întâmplă și dreptul de a spune în instanță cum ați fost afectat de infracțiune

Dreptul la protecție și la protejarea vieții private - dreptul de a vă simți în siguranță și de a nu fi intimidat

Dreptul de a primi sprijin - indiferent dacă denunțați sau nu infracțiunea la poliție

Dreptul la despăgubiri și la rambursarea cheltuielilor, cum ar fi cheltuielile de deplasare, pierderea veniturilor sau compensații dacă ați fost rănit.

De asemenea, aveți dreptul de a depune o plângere în cazul în care sunteți nemulțumit de modul în care ați fost tratat de o anumită instituție.

Vizitați site-ul mygov.scot pentru a afla mai multe informații privind drepturile de care dispuneți ca victimă a unei infracțiuni în diferitele etape ale acțiunii penale, inclusiv denunțarea unei infracțiuni, cercetarea și urmărirea penală, trimiterea cazului spre judecată și ceea ce se întâmplă după pronunțarea sentinței.

Informații suplimentare despre asistența și sprijinul acordate victimelor infracțiunilor.

Faceți clic pe link-urile de mai jos pentru a găsi informațiile de care aveți nevoie

1 - Drepturile pe care le am dacă am fost victima unei infracțiuni

2 - Denunțarea unei infracțiuni și drepturile mele pe parcursul cercetării sau al procesului

3 - Drepturile pe care le am după proces

4 - Despăgubiri

5 - Drepturile pe care le am în materie de sprijin și asistență

Ultima actualizare: 23/05/2019

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(OLD)2 - My rights during the trial

How can I be involved in the trial?

What are my rights as a witness?

I am a minor. Do I have additional rights?

Can I receive legal aid?

How can I get protection, if I am in danger?

How can I claim damages from the offender or receive compensation from the State?

Are there opportunities to reach settlement/conciliation or to start mediation between the offender and myself?

I am a foreigner. How are my rights and interests protected?

More information

How can I be involved in the trial?

If you are to give evidence in court as a witness for the prosecution, you will be sent a letter from the Procurator Fiscal. The letter (called a **citation**) will tell you where and when you should go to court. More information about the procedure is available here.

If you are not to be a witness in the case you may not be informed of the trial. If you want to find out the date of the trial you could contact the Court or the Procurator Fiscal office, although they will need the name of the accused to find this information. You should also quote the reference number from any correspondence you may have received.

Any member of the public can sit in the public gallery at the back of the courtroom and listen to the evidence.

You have the right to be present throughout court proceedings unless:

it is held in private (e.g. a child or victim of an alleged sexual offence is giving their evidence); or

you will be giving evidence (in which case you can only attend the hearing after you have given your testimony).

You do not need to attend trial proceedings unless you are requested to be a witness and you are compelled to give evidence.

What are my rights as a witness?

You will also be told if you will be needed to give evidence as a **witness**, which will generally only be if the defendant contests guilt. As a witness you have to attend the hearing and answer the questions you will be asked.
If you have made a witness statement during the investigation and you have been requested to give oral evidence at the trial, you will be allowed to see the statement before you testify.
In the beginning of your hearing you will be asked to take an oath or make an affirmation that you will tell the truth. During the hearing the prosecutor and the defendant's lawyer will ask you questions. When there are no more questions the judge will release you. You can leave or, if you wish, you can remain in the courtroom and listen during the remainder of the hearing.
If you feel vulnerable or intimidated and you meet the relevant criteria, the prosecutor may apply to the court before the hearing, for special measures to assist you give evidence. These measures include a screen to shield you from the defendant when in court and giving evidence by CCTV from outside the courtroom. The court decides what measures you can use but must take your views into account when making the decision.
Usually you will be heard as a witness only once. However, if necessary, you may be requested to go to court again and answer additional questions.
You can claim certain expenses for travelling to court, and an allowance for meals and lost wages or other financial loss, such as childcare. The amount you can claim will depend on the length of time you have to be away from home or work to go to court.
All Sheriff and High Courts in Scotland have a Witness Service who can give you help and support if you are called as a witness to a crime. The Witness Service are specially trained volunteers and staff who are managed by Victim Support Scotland. The Witness Service exists to help people through the judicial process by providing practical and emotional support at court. You can contact the service at any time before, during or after attending court. Their helpline is **0845 60 39 213** or **0845 30 30 900**. The Witness Service is based within the court building, so they will be there when you need help and assistance. The service is confidential and is free.
Further information is available at the Witnesses in Scotland website.

I am a minor. Do I have additional rights?

If you are a child **under 16 years of age** you can ask the prosecutor to apply to the court before the trial for one or more special measures to assist you give evidence in court.
The special measures available include:
giving evidence through a TV link while sitting outside the courtroom (you will be able to see the courtroom and those in the courtroom will see you on a television screen);
giving video recorded evidence (if your statement to the police was video recorded it will be played to the court);
giving evidence behind a screen (a screen will be placed around the witness box to prevent the witness seeing the defendant);
removal of wigs and gowns (the judge and lawyers will not wear gowns and wigs so that the court feels less formal);
giving evidence in private – in sex offence cases and those involving intimidation (members of the public will not be allowed in the court room);
use of communication aids such as an alphabet board.

Can I receive legal aid?

You may be entitled to legal aid. If you want to apply for legal aid you should complete an application form for advice and assistance. Forms are available on the Scottish Legal Aid Board website.

How can I get protection, if I am in danger?

If you and anyone else with whom you have a close relationship feel you are in danger or being harassed, you should let the police know. If someone is charged with the crime and you are worried about the accused being released, you should tell the police officer you are dealing with, or the Procurator Fiscal, or your solicitor about any concerns as soon as possible.

How can I claim damages from the offender or receive compensation from the State?

Sometimes a court will award compensation to a victim of a crime for loss or injury resulting from the crime. The court will set an amount that takes account of the accused's financial circumstances. The offender pays the money to the court, and the court then passes it on to the victim. If you are a victim of violent crime you may be eligible to apply for **financial compensation from the State**. Please consult the factsheet on compensation to victims of crime in Scotland (available in English and multiple other languages) of the European Judicial Network. For more information visit the Criminal Injuries Compensation Authority website or you can call free on 0800 358 3601. Victim Support Scotland can provide information on compensation and how to apply for it. You may also be able to get information about compensation from other places, including your solicitor, or Citizens Advice Scotland.

Are there opportunities to reach settlement/conciliation or to start mediation between the offender and myself?

Some services are available which offer support to those affected by and those responsible for harm. These are based on restorative justice principles. The aim is to address behaviour in a way that empowers the people harmed, those responsible and wider community members to resolve issues in a constructive way.
More information is available here.

I am a foreigner. How are my rights and interests protected?

If you are a foreigner you have all the rights listed above.
In addition, if you do not speak English the authorities will try to ensure that a translation or interpreter is provided where information is given to you if this is necessary, in particular when you are called to give evidence in court as a witness.

More information:

National Standards for Victims of Crime – in English
Vulnerable Witnesses (Scotland) Act 2004 – in English
Victims of Crime in Scotland website – in English
Witnesses in Scotland website – in English
Victim Support Scotland website – in English

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(OLD)1 - My rights during the investigation of a crime

How and where can I report a crime?
How can I follow up on what the authorities do after I report a crime?
How can I be involved in the investigation of the crime?
What are my rights as a witness?

I am a minor. Do I have additional rights?
What information can I obtain from police or victim support organisations during the investigation of the crime?
Can I receive legal aid?
How can I get protection, if I am in danger?
What services and assistance can I be given during the investigation of the crime?
Are there opportunities to reach settlement/conciliation or to start mediation between the offender and myself?
How will my case continue after the end of the investigation?
Can I appeal if my case is closed without reaching the court?
I am a foreigner. How are my rights and interests protected?
More information

How and where can I report a crime?

If you are a victim of a crime in the Scotland you can **report** it to the **police**.

Depending on where the crime was committed you can report it by calling or going in person to the nearest police station. In urgent cases you can dial the emergency number 999 or 112.

If you are an asylum seeker or a refugee, you can also contact one of the Scottish Refugee Council, which will help you to find the nearest police station and can arrange an interpreter free of charge if you need one.

If you do not feel comfortable to report the crime yourself you can ask another person to report it for you or file an **anonymous report** to Crimestoppers by calling 0800 555 111 or filling in their online form.

Crimes are usually reported in English. If you do not speak English, the police will try to organise an interpreter, free of charge.

Tell the police all relevant details about the crime, the person you think committed the crime (if known), and relevant personal details (e.g. your name, address, and other contact details). The police will record this on a special form.

Sometimes there is a limited time period during which proceedings for an offence may be started against a person.

More detailed online information about how to report a crime to the police in Scotland is available here.

How can I follow up on what the authorities do after I report a crime?

The police will give you a crime number, which is the reference number of your case. You may need to quote this number if you wish to check on the progress of your case. You can do this by going to the police station or calling by phone.

How can I be involved in the investigation of the crime?

Depending on your needs you will be provided free of charge with an interpreter, medical examination, and other services. However, this does not include legal advice and/or representation as the victim is not a party to the proceedings. If you want to know how your case is progressing, you can contact the police (you will be told who to contact once you have reported the crime, and you will be given a crime number that you should quote to help the police find the information more easily). You will not be allowed to see any documents or data concerning the proceedings. Any further involvement in the investigation is at the request of the police (e.g. responding to additional questions or participation in an identity parade). You are not obliged to take any further part if you do not wish to do so (though you may be obliged to participate in any court proceedings that might follow).

What are my rights as a witness?

During the investigation the police may ask you to give a **witness statement**. Usually you will be invited to tell what happened and the police officer will write an account of what you have said. Then you will be asked to verify if your statement was recorded correctly and sign it. Your witness statement may be used as evidence in court in certain circumstances such as if your evidence is not being challenged by the defence but you may be requested to give evidence at the trial in person.

Sometimes the Procurator Fiscal or someone on their behalf, known as a precognition officer or precognoscer, speaks to some or all of the witnesses individually about the case and the evidence they will give. This is called a precognition investigation interview, or precognition for short. It often takes place at the Fiscal's office, and is a chance to make sure the Fiscal knows as much as possible about the case.

You might also be asked for a precognition by the defence solicitor.

More information about being a witness is available here.

I am a minor. Do I have additional rights?

If you are a child **under 16 years of age,** special measures may be available to assist you in giving evidence, if you are required to do so. More information about help that is available can be accessed here.

What information can I obtain from police or victim support organisations during the investigation of the crime?

When you report a crime to the police you will be told whether or not the police will investigate the case.

For support and advice, as well as guidance about matters such as claiming compensation you will be referred (with your consent) to Victim Support Scotland.

Where applicable you may be referred to other specialist services (e.g. in relation to rape or sexual assault).

Can I receive legal aid?

You may be entitled to legal aid. If you want to apply for Legal Aid you should complete an application form for advice and assistance. Forms are available on the Scottish Legal Aid Board website.

How can I get protection, if I am in danger?

If you and anyone else, with whom you have a close relationship, feel you are in danger or being harassed, you should let the police know. If someone is charged with the crime and you are worried about the accused being released, you should tell the police officer you are dealing with, or the Procurator Fiscal, or your solicitor about any concerns as soon as possible.

What services and assistance can I be given during the investigation of the crime?

If the allegation is a police matter, you will be referred, with your consent, to Victim Support Scotland, which will give further support and guidance as appropriate.

Where applicable you will also be referred to other specialist services (e.g. in relation to rape or sexual assault).

Services are free of charge.

Are there opportunities to reach settlement/conciliation or to start mediation between the offender and myself?

Some services are available which offer support to those affected by and those responsible for harm. These are based on restorative justice principles. The aim is to address behaviour in a way that empowers the people harmed, those responsible and wider community members to resolve issues in a constructive way.

More information is available here.

How will my case continue after the end of the investigation?

Once the police have completed the investigation, the case will be passed to the Procurator Fiscal who will examine whether there is enough evidence against the defendant and whether it is in the public interest to prosecute. If the Procurator Fiscal decides that a prosecution should go ahead the accused will be indicted and the case will go to court. In some less serious cases the Procurator Fiscal may decide that prosecution in court is not appropriate but that it is still in the public interest to take action. In those cases there are a number of direct measures available.These measures include warnings, fiscal fines, compensation offers and referral to specialist support and treatment.

Can I appeal if my case is closed without reaching the court?

You cannot appeal to the police or the Procurator Fiscal against a decision not to prosecute. However, you can seek **explanation** from the Procurator Fiscal. You can ask the High Court to **review** the decision. It is very difficult to succeed in this process (which is known as "judicial review") because the High Court will not substitute its view of the preferable course of action for that of the decision-maker. It will only make a ruling against the decision-maker if it decides that the decision was completely unreasonable (as distinct from undesirable). Even if the victim succeeds, the court will not order that the prosecution go ahead. It will, instead, order the decision-making organisation to review its decision in the light of the court's findings. If you are considering this course of action you will need legal representation. Legal aid is available in some circumstances, but only if stringent criteria are satisfied (particularly concerning financial circumstances).

In certain circumstances an individual may seek to prosecute another person for a criminal offence. This is called a private prosecution. To bring a private prosecution you must have the Lord Advocate's consent. This process is very costly and you cannot claim legal aid. It is therefore very rare.

It may be possible to undertake a civil action. A civil action is based on a different level of proof (on the balance of probabilities). A decision in a criminal case is based on proof "beyond reasonable doubt". You would not be making a criminal allegation, but making a claim for damages. This can be a very long and expensive process and there is no guarantee you would get legal aid. If you are considering civil action you should get advice from a solicitor.

I am a foreigner. How are my rights and interests protected?

If you are a foreigner you have all the rights listed above.

In addition, if you do not speak English the authorities will try to ensure that a translation or interpreter is provided where information is given to you if this is necessary.

More information:

National Standards for Victims of Crime – in English

Vulnerable Witnesses (Scotland) Act 2004 – in English

Victims of Crime in Scotland website – in English

Witnesses in Scotland website – in English

Victim Support Scotland website – in English

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(OLD)3 - My rights after the (first) trial

Can I appeal against a sentence or if the defendant is declared not guilty?
Is further appeal possible?
What rights do I have after the court sentence enters into force?
More information

Can I appeal against a sentence or if the defendant is declared not guilty?

It is not possible for you to appeal against any decisions of the courts but the prosecution has a limited right of appeal against sentence, if it is "unduly lenient". Because of this, such appeals are rare. The prosecution cannot appeal against a "not guilty" or a "not proven" verdict.

Is further appeal possible?

It is not possible for you to appeal against any decisions of the courts.

What rights do I have after the court sentence enters into force?

If the offender has been sentenced to 18 months or more in prison, you can choose whether or not to register with the Victim Notification Scheme. This Scheme gives certain victims the right to be told about the release of an offender from prison. It also gives some victims the right to make comments before the possible release on licence of an offender.

Your participation in the scheme is completely voluntary and you can opt out at any time if you change your mind. For more information about the Victim Notification Scheme please visit the Scottish Prison Service website.

More information:

Victims of Crime in Scotland website – in English

Scottish Prison Service website – in English

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(OLD)4 - Help and support for victims of crime

Scottish Government Criminal Justice Directorate
Victim Support Scotland
Victim Information and Advice
Rape Crisis Scotland
Scottish Domestic Abuse Helpline
Scottish Women's Aid
National Association for People Abused in Childhood
PETAL (People Experiencing Trauma and Loss)
Support after murder and manslaughter

Scottish Government Criminal Justice Directorate

The Scottish Government Criminal Justice Directorate is responsible for the overall lead on policy on criminal justice and victim and witness care.

The Scottish Government Criminal Justice Directorate
is responsible for the overall lead on policy on criminal justice and victim and witness care
maintains the websites Victims of Crime in Scotland and Witnesses in Scotland
CONTACTS:
Website: http://www.scotland.gov.uk/Topics/Justice/law/victims-witnesses/victims-of-crime

Victim Support Scotland

Victim Support Scotland is a national charity giving free and confidential help to victims of crime, witnesses, their family, friends and anyone else affected across by crime.
Victim Support Scotland
has offices across Scotland managed by the national centre in Edinburgh
runs the Witness Service in every Sheriff and High Court
provides emotional and practical support to victims of crime
provides support to prosecution and defence witnesses in all criminal courts
speaks out as a national voice for victims and witnesses and campaign for change
runs a national telephone helpline - 0800 160 1985
CONTACTS:
Website: http://www.victimsupportsco.org.uk/
For the contact details of the local offices of Victim Support Scotland click here.

Victim Information and Advice

Victim Information and Advice (VIA) provide a service to certain victims, witnesses and nearest relatives of specific crimes reported to the Procurator Fiscal.
Victim Information and Advice (VIA)
provide a service to victims and witnesses of crimes reported to the Procurator Fiscal which involve: domestic abuse; racial or religious aggravation; sexual offences; child victims and witnesses; crimes where any trial is likely to involve a jury
assist the nearest relatives in cases of deaths which may involve criminal proceedings, or where there is to be a Fatal Accident Inquiry or significant further inquiries
assist vulnerable witnesses or victims who may need additional support (because of, for example, language, circumstances or disabilities)
VIA staff will contact you if you fall within one of these categories; if you do not want to receive the VIA service or if you want to opt in or out at any time, just let VIA know
CONTACTS:
Website : http://www.copfs.gov.uk/involved-in-a-case/victims

Rape Crisis Scotland

The Rape Crisis Scotland provides support for anyone affected by rape or sexual violence. They can also put you in touch with your nearest local service.
Rape Crisis Scotland
is the national office for the rape crisis movement in Scotland
supports the work of local centres and develops new centres in areas where there are no or few specialist services
works with other agencies such as the police, Crown Office and health services to improve the response to those who are affected by and who perpetrate sexual violence
campaigns, lobbies and raises awareness of sexual violence, challenges attitudes and presses for legal change
maintains the Rape Crisis Scotland National Helpline (0808 801 03 02) providing crisis support for anyone in Scotland affected by sexual violence at any time in their lives
CONTACTS:
Website: http://www.rapecrisisscotland.org.uk//

Scottish Domestic Abuse Helpline

The Scottish Domestic Abuse Helpline (0800 0271234 - 24 hour line) provides confidential information and support to those affected by domestic abuse.
The Scottish Domestic Abuse Helpline
provides confidential information and support to those affected by domestic abuse
services are free of charge
CONTACTS:
Website: http://www.domesticabuse.co.uk/

Scottish Women's Aid

Scottish Women's Aid Federation provides advice, support and safe accommodation for women (and their children) who have been abused mentally, physically and/or sexually by their partner/ex-partner.
Scottish Women's Aid
is the lead organisation in Scotland working towards the prevention of domestic abuse
its members are local Women's Aid groups which provide specialist services to women, children and young people, including safe refuge accommodation, information and support
works to end violence against women by tackling its root cause, which is gender inequality
promotes women's equality and children's rights
campaigns for responses which actively prevent violence against women
works to ensure that services are available to women, young people and children with experience of domestic abuse
provides services and advice to members
CONTACTS:
Website: http://www.scottishwomensaid.org.uk/

National Association for People Abused in Childhood

The National Association for People Abused in Childhood is a registered charity, based in the UK, providing support and information for people abused in childhood.
The National Association for People Abused in Childhood
responds to the distress caused in adulthood by ill treatment and/or neglect in childhood

established a national information line and postal service for people requiring advice and information about help available to overcome the continuing impact of childhood abuse in adulthood
provides support, training, information and resources to persons and organisations supporting people who have experienced ill treatment and/or neglect in childhood
raises public awareness of the continuing impact of childhood abuse in adulthood
campaigns to alleviate the impact of child abuse in adulthood
CONTACTS:
Website: http://www.napac.org.uk/

PETAL (People Experiencing Trauma and Loss)

PETAL provides practical and emotional support, advocacy, group support and counselling for the families and friends of homicide murder and suicide victims in Scotland.
PETAL
is a pro-active support centre providing practical and emotional support, advocacy, support and counselling for the families and friends, children and young people victims of homicide or suicide
its membership consists of the families and friends of murder and suicide victims
services also include telephone support to those outwith/beyond a reasonable travelling distance of PETAL
practical support and advocacy is comprehensive through the provision of information and advice and includes liaising with statutory and voluntary agencies on their members' behalf
CONTACTS:
Website: http://www.petalsupport.com/

Support after murder and manslaughter

Support after murder and manslaughter is a registered independent charity, which offers emotional support to those bereaved through homicide.
Support after murder and manslaughter
works to promote for the benefit of the public any charitable purpose directed to assisting those who have lost through death resulting from murder, manslaughter or unlawful killing of their relative or friend
aims to promote and protect good health, both mental and physical, to relieve poverty and sickness and to advance education in matters of the nature of grieving and bereavement
supports, through self-help groups and contact between members, those who have lost a member of their family or close friend as a result of homicide
aims to promote good health, both mental and physical, for those bereaved through homicide that they may eventually become strong enough to live positively in the future
CONTACTS:
Website: http://www.samm.org.uk/

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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 invetigation 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 option 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. There 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 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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2 - Reporting a crime and my rights during the investigation or trial

How do I report a crime?

In an emergency call 999. To report a crime call 101.

If you're deaf, deafened, hard of hearing or have a speech-impairment, a text phone is available on 18000.

If you've registered with emergencySMS - and you have no other option - you can send a text message to 999.

When to call 999

In an emergency, call 999 if:

There's a risk of personal injury or loss of life

A crime is happening now

Someone suspected of crime is nearby

Report a non-emergency

Call 101 to contact the police if the crime isn't an emergency.

If you're deaf, deafened, hard of hearing or have a speech-impairment, a text phone is a available on 18001 101.

Examples of crimes that don't need an emergency response include:

Your car has been stolen

Your property has been damaged

You suspect drug use or dealing

You want to report a minor traffic collision

You want to give the police information about crime in your area

Report a crime online

In an non-emergency, you can report a the following crimes on the Police Scotland website:

Hate Crime

Domestic Abuse

You can also fill out the Crimestoppers online form if you want to report a crime anonymously.

How do I find out what's happening with the case?

As a victim, you have the right to request case-specific information in relation to a crime. If this has not been provided to you, you can make a formal request from a number of different bodies:

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.

Crown Office and Prosecutor 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.

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 a trial, and any reasons for it.

Am I entitled to legal aid (during the investigation or trial)? Under what conditions?

Victims are not parties to criminal proceedings in Scotland. If a victim needs legal advice and assistance they can contact a lawyer. They may be entitled to help with the costs of that advice and assistance via the legal aid system.

Scottish Legal Aid Board is the body responsible for operating the legal aid system in Scotland.

Can I claim expenses (for taking part in the investigation/trial)? Under what conditions?

If you've been 'cited' to appear at court as a witness, you may be entitled to claim some expenses.

Being 'citied' means you've been sent an official letter - called citation - telling you to come to court and give evidence as a witness.

Information on how to claim expenses and an expenses claim form can be found on the back of the citation.

Read over your citation carefully and take it with you when you go to court. Make sure you fill in the expenses form on the back of your citation to claim expenses from the person who cited you as a witness.

Cash payments are only made in cases of genuine hardship or emergency. Exceptional costs such as taxi fares, air travel and overnight accommodation must be approved by the procurator fiscal in advance.

Claims can be made for loss of earning for witnesses who are employed and self-employed. There are no childcare facilities at court buildings so prosecution witnesses can claim expenses for childcare and babysitting at fixed rates. If you need to organise care cover in your absence, you will be reimbursed at a fixed rate.

Can I appeal if my case is closed before going to court?

As a victim of crime in Scotland, you have the right to a review of a decision by the Crown Office and Procurator Fiscal Service not to prosecute a case reported to them, where that decision was made on or after 1 July 2015. You should, if possible, apply for a review within one month of the date you are informed of the decision not to prosecute. Generally, you would be told of the review decision within 20 working days. The Lord Advocate (the chief public prosecutor Scotland) has published rules on this process.

Can I be involved in the trial?

This depends on whether you are called as a witness at trial. If you're not called as a witness, you can ask the Scottish Courts and Tribunals Service:

What offences a person has been charged with - once the accuse has had a chance to answer to them (only the general nature of the charges.)

What's happening with a case in court.

What decision the judge, sheriff or justice of the peace made about a case.

The Scottish Courts and Tribunals Service website has further details of how to get information in relation to the case and for information on the calling of cases to court, including trials due to call in the near future. This includes:
The High Court of Justiciary.
Sheriff Courts.
Justice of the Peace Courts.
If you are a witness, the Scottish Courts and Tribunals Service will:
Update you on the progress of the court case at least once per hour and let you know when you can leave court.
Provide separate waiting rooms for prosecution and defence witnesses, and access to refreshments.
If you're entitled to give your evidence to court by live TV link, someone from the Scottish Courts and Tribunals Service will meet you on the day and explain the process for giving evidence to court.

What is my official role in the justice system? For example, am I or can I choose to be a: victim, witness, civil party or private prosecutor?

Victims are not parties to criminal proceedings in Scotland. Subject to prosecutorial discretion, victims may be requested to give evidence in court.

What are my rights and obligations in this role?

Information on your rights as a victim can be found in the Victims' Code.
If you are called as a witness, you will receive a citation. Your citation is an official letter telling you to come to court and give evidence as a witness.
It is important not to ignore the citation. Tell whoever asked you to be a witness right away if there's an important reason why you can't make the date of the trial. If you don't turn up at the correct time and place, the court can issue a warrant for your arrest.
Some witnesses may find it difficult to give evidence. They may be particularly vulnerable because of their circumstances or the nature of their evidence. The court can take extra steps (called 'special measures') to help vulnerable witnesses give the best evidence they can, such as a screen so the witness does not have to see the accused. You should discuss any concerns with the person who has requested that you give evidence as they may be able to apply to the court for special measures on your behalf.
Further information on being a witness can be found on the Crown Office and Procurator Fiscal Service website and on the Giving Evidence at Court pages of mygov.scot.

Can I make a statement during the trial or give evidence? Under what conditions?

Subject to prosecutorial discretion, victims may be requested to give evidence in court. Scotland's general laws of evidence apply to those victims who are called to give evidence.
For those victims who are to give evidence, and are considered vulnerable or have protection needs, special measures can be made available through sections 271 to 271M of the Criminal Procedure (Scotland) Act 1995 in order to assist them in giving evidence. These measures are automatic for children and for those persons who are victims in specific offences such as sexual offences, trafficking and stalking.
In addition, victims may also be able to make a victim statement under section 14 of the Criminal Justice (Scotland) Act 2003. Further information on victim statements can be found here.

What information will I receive during the trial?

You can contact the Scottish Courts and Tribunals Service to find out the dates of any court hearings, the final decision of a court in a trial or any appeal arising from a trial, and any reasons for it. In addition, if you are attending court to give evidence, court staff at the Scottish Courts and Tribunals Service will update you on the progress of the court case at least once per hour and let you know when you can leave court.

Will I be able to access court files?

Please see above for details of information that can be accessed.

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3 - My rights after trial

Can I appeal against the ruling?

Only the convicted person or the prosecution can appeal a verdict.
Prosecution appeals can only be made in certain circumstances. The prosecution can:
Appeal against an acquittal - a verdict of 'not guilty' or 'not proven' - but only in summary cases (trials without a jury) and only on a point of law.
Appeal against the sentence - but only where a sentence is regarded as 'unduly lenient'
You can find out more information by visiting https://www.mygov.scot/after-the-verdict/the-appeals-process/

What are my rights after sentencing?

After a guilty verdict, your victim statement may be taken into consideration by the judge considering the sentence which is to be imposed.
If the result of the case (known as the verdict) was not what you expected, or feel you need some support after the verdict, there are lots of organisations that can help you. Victim Support Scotland has a hotline which operates Monday to Friday, 8am to 8pm. They are a national charity that supports people affected by crime across Scotland, regardless of the type of crime they have suffered. You can contact them on 0345 603 9213. The support they provide is free.
There are a number of other organisations including specialist services, that are able to provide free confidential emotional support, practical help and essential information to victims, witnesses and others affected by crime. Information on these services can be found here.

Am I entitled to support or protection after the trial? For how long?

Yes, there are a number of victim support organisations who can offer support before, during and after the trial which are free. Victim Support Scotland, which is a national charity offer emotional support, practical help and essential information to victims. These services are free and confidential.

What information will I be given if the offender is sentenced?

If you made a victim statement it may be considered when the judge decides the sentence. After a guilty verdict, the judge has to decide what punishment to give to the offender. This punishment is called a sentence. The judge makes this decision after hearing all the evidence and taking account of any background information. This includes things such as the offender's age, any medical issues and whether they already have a criminal record. The judge can choose what sentence to give from a range of option.
Further information on sentencing can be found here.
You have the right to request information on the final decision of the court in a trial and any reasons for it. This information can be requested from the Scottish Courts and Tribunals Service.

Will I be told if the offender is released (including early or conditional release) or escapes from prison?

In all criminal cases, victims have a right to get information about the release of a prisoner. They may also have a right to be told when the prisoner is considered for parole and to make written representations (comments) about their release to the Parole Board for Scotland. This is called the Victims Notification Scheme.

Victims of offenders sentenced to **less than 18 months** are entitled to know only of the release or escape of the offender. If you would like to receive this information you do not have to register with the scheme, you can simply contact the Scottish Prison Service.

Will I be involved in release or parole decisions? For example, can I make a statement or lodge an appeal?

You may be able to make representations to the Parole Board for Scotland for consideration in situations where the offender is being considered for release on license. Victims who register under Part 2 of the scheme can register to make written representations to the Scottish Prison Service when the offender first becomes eligible for temporary release and release on Home Detention Curfew; and to the Parole Board for Scotland when the offender is being considered for release on parole license. Victim Support Scotland may be able to help you prepare your representations.

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4 - Compensation

What is the process for claiming damages from the offender? (e.g. court case, civil claim, adhesion procedure)

Criminal Court Case

A. 'Compensation Order'

Under the provisions of sections 249 to 253 of the Criminal Procedure (Scotland) Act 1995, any criminal court in Scotland has power in appropriate cases to order an offender to pay some compensation to the victim of his/her crime for any injury, loss or damage which the victim has suffered as a result of the crime, without the need for separate civil action.

The 1995 Act does not provide for a victim to make an application to a court for a 'compensation order' personally; however, the Procurator Fiscal may raise the question with the court in appropriate cases and in all cases, the Procurator Fiscal should provide the court with available information about the extent and value of any injury, loss or damage sustained.

Under the existing law a victim has the right to sue the offender for damages in a civil court or (if he/she sustained physical or mental injuries) to see an award from the Criminal Injuries Compensation Authority (CICA). The ordering of compensation by the criminal courts does not affect these rights, although any award made to the victim by the civil courts or the CICA will be reduced by the amount paid under the 'compensation order'.

In solemn criminal proceedings, there is no limit on the amount that may be awarded under a 'compensation order'.

In summary, criminal proceedings the following limits apply:

In the Sheriff Court, the maximum for each offence is the prescribed sum (**£10,000**) (but for statutory offences committed on or after 28 March 2011, where the maximum fine which can be imposed exceeds the prescribed sum, the maximum compensation order which can be imposed is the same as that maximum fine).

In the Justice of the Peace Court, the maximum for each offence is Level 4 on the Standard Scale (**£2500**)

Payment of any amount under a 'compensation order' is made to the clerk of court who will then account for the amount to the entitled person.

B. 'Compensation requirement' in Community Payback Order

When an accused is convicted of an offence, the court may, in certain circumstances, impose a Community Payback Order (CPO). In terms of section 227H of the Criminal Procedure (Scotland) Act 1995, payment of compensation (together with an offender supervision requirement) may be a requirement of a CPO.

The same limits in respect of the amount of the awards, apply to 'compensation requirements' as to 'compensation orders' (as detailed above)

The compensation can be paid either in a lump sum or by installments to the clerk of court who will then account for the amount to the entitled person. The compensation must be paid in full no later than 18 months after the CPO is imposed or not later than 2 months before the end of the supervision period, whichever is earlier. Failure by the offender to make the payment may constitute a breach of the CPO.

C. 'Compensation offer' by Procurator Fiscal

In terms of section 302A of the Criminal Procedure (Scotland) Act 1995, the Procurator Fiscal can send a 'compensation offer' to an alleged offender if it appears that a relevant offence has been committed. The 'compensation offer' is an effective direct measure for offences where an individual has suffered monetary loss, personal loss, or alarm or distress.

If a 'compensation offer' is accepted or deemed accepted (when the alleged offender does not formally reject the offer) no prosecution can take place, and no conviction will be recorded.

The maximum amount available as a compensation offer is £5,000 in terms of the Criminal Procedure (Scotland) Act 1995 Compensation Order (Maximum Amount) Order 2008.

Payment of any amount under a 'compensation offer' is made to the clerk of court who will then account for the amount to the entitled person.

Civil Court case:

Under the existing law, a victim has the right to sue the offender for damages in a civil court. In the event that the victim decides to raise an action in the civil courts, there are different procedures governed by different sets of court rules and these are also dependent on whether actions are raised in a Sheriff Court or the Court of Session. The various rules are available on the Scottish Courts and Tribunals Service website under Rules and Practice.

The drafting of any writ or petition and the various court procedures are quite complex, and legal advice is recommended.

Adhesion Procedure - not applicable in Scotland:

This is a procedure through which a court of law can rule on compensation for the victim of a criminal offence. Rather than pursuing damages in a separate civil action, the victim files a civil claim against the offender as a part of a criminal trial. It should be noted that whilst this system exists in some civil law jurisdictions, it does not in Scotland.

The court ordered the offender to pay me damages/compensation. How do I make sure the offender pays?

Enforcement of compensation in a criminal case

Payment of any amount under:

A 'Compensation Order';

A 'Compensation Requirement' in a Community Payback Order (CPO), or

A 'Compensation Offer' by the Procurator Fiscal

is made to the clerk of court who has to account for the amount to the entitled person.

Payment can only be enforced by the court and on no account should the entitled person contact or attempt to contact the offender directly or accept payment from him/her personally.
If payment is not made in respect of a 'compensation order' or a 'compensation offer', further action may be taken by the court to recover the money by using a range of sanctions including:
Deduction from Benefits Orders;
Earnings Arrestment Orders;
Arrestment of Fund Orders; and
Seizure of Vehicle Orders.
If payment is not made in respect of a 'compensation requirement' in a CPO, this may constitute a breach of the CPO and the offender can be brought back before the court. Section 227ZC of the Criminal Procedure (Scotland) Act 1995 contains provisions in respect of breaches of CPOs and what actions the court may take.

Enforcement of compensation in a civil case:

If the victim raises a successful action in the civil court and the court grants a decree for a sum of money in his/her favor, the victim should contact a firm of Sheriff Officers who will advise of the procedure for recovery of the debt. Further information can be found on the Society of Messengers-at-Arms and Sheriff Officers website.

If the offender does not pay, can the state pay me an advance? Under what conditions?

Payment of compensation from CICA

The state will not pay any advance to a victim of crime where an offender has been ordered by a court to pay but the offender has not done so. See also **Enforcement of compensation** above.

Am I entitled to compensation from the state?

The Criminal Injuries Compensation Authority (CICA) deal with compensation claims from people who have been physically or mentally injured because they were the blameless victim of violent crime in England, Scotland or Wales. The government's Criminal Injuries Compensation Scheme sets the criteria and amounts for compensation.
The Criminal Injuries Compensation Scheme 2012 is a government-funded scheme that exists to compensate blameless victims of violent crime who have sustained serious physical or mental injuries directly attributable to their being a direct victim of crime of violence. The rules in the Scheme and the value of the awards paid are approved by the UK Parliament, and the CICA is responsible for the administration of the Scheme and all the decisions made on individual applications. The Scheme contains a tariff of injuries which sets out compensation payable in respect of injuries sustained.
There are two types of compensation - personal and fatal injury awards - with additional compensation payable in some cases for loss of earnings, dependency or special expenses where appropriate.
Payments can be awarded to the most seriously injured victims, victims of rape and other sexual abuse, victims of child abuse and the bereaved. The Scheme does not make compensation payments for minor injuries.
Not all claims for compensation will be successful. An applicant must be eligible under the rules of the Scheme. There are nationality and residence criteria that must be met (paragraphs 10 to 16 of the Scheme). Applications must be made as soon as reasonably practicable, and in any even within two years of the incident which gave rise to the criminal injury (although in exceptional circumstances in some cases the time limit may be extended, see paragraphs 87 to 89). There are also rules which require and applicant to have reported the incident which gave rise to the criminal injury as soon as reasonably practicable and to cooperate as far as reasonably practicable in bringing the assailant to justice (paragraphs 22 and 23). Awards may be withheld or reduced in various other circumstances, such as where the conduct of the applicant makes it inappropriate to make an award (paragraph 25) and where the applicant has unspent criminal convictions at the time of their application to the CICA (paragraph 26 and Annex D). Further information about the Scheme can be found here.

Am I entitled to an emergency payment while I wait for the decision on my compensation claim?

The Criminal Injuries Compensation Scheme 2012 is designed to be a scheme of last resort. Awards under the Scheme are not designed to meet immediate needs; in most cases an applicant's claim will ne be settle until sometime after that incident. No payment will be made until the Criminal Injuries Compensation Authority (CICA) is satisfied that the applicant is eligible under the Scheme; they will make enquiries of the police to obtain information about the incident and the applicant to ensure that the application meets the eligibility criteria. Where CICA are satisfied that an applicant is eligible for a payment but they cannot make a final decision, they may consider payment. This may be the case where the CICA are waiting until the long term impact of the applicant's injury is understood.

Am I entitled to compensation if the offender is not convicted?

It is not necessary for the offender to be identified or convicted for the victim of a crime of violence to be eligible for compensation (paragraph 9 of The Criminal Injuries Compensation Scheme). However, the Scheme requires that an applicant has reported the incident to the police as soon as reasonably practicable and has co-operated as far as reasonably practicable in bringing the offender to justice (paragraphs 22 and 23). Applicants will therefore not be eligible for compensation unless they have co-operated fully with the investigation into the crime and any prosecution that follows.

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5 - My rights to support and assistance

I am a victim of crime who do I contact for support and assistance?

You have the right to use victim support services, even if the crime hasn't been reported to the police.
Whether you decide to report a crime or not - or you haven't decided yet - Victim Support Scotland can give you emotional and practical help and support.
If you report a crime, the police - with your permission - may pass on your details to Victim Support Scotland.
You may also be offered help from Victim Information and Advice (VIA) if your case involves:
Domestic Abuse
Child Victims or Witnesses
Hate Crime
Sexual Crime;
or where it is likely that a trial with involve a Jury.

VIA will give you information about the criminal justice system, keep you informed about the progress of the case and put you in touch with other organisations that can help you.

Victim support hotline

Victim Support Scotland has a hotline which operates Monday to Friday, 8am to 8pm. They are a national charity that supports people affected by crime across Scotland, regardless of the type of crime they have suffered. You can contact them on 0800 160 1985. The support they provide is free. There are a number of other organisations, including specialist services, that are able to provide free and confidential emotional support, practical help and essential information to victims, witnesses and others affected by crime. Information on these services can be found here.

Is victim support free?

Victim Support Scotland gives free and confidential support to victims, witnesses and others affected by crime.

What types of support can I receive from state services or authorities?

Support at court

If you're asked to be a witness at court, the Witness Service is provided by trained Victim Support Scotland staff and volunteers at all High Court and Sheriff Court locations. They can:

Give you practical help and information on what happens at court

Arrange for you to visit the court before the trial starts - so you know what to expect.

Some witnesses - because of their circumstances or the nature of the crime - may be able to get extra support when they give evidence. You can find out more about giving evidence at court, including 'special measures' for vulnerable witnesses here. If you're a victim of crime but haven't been called to give evidence as a witness, you might not be informed about the trial. However, you can ask for information about what happens with the case at court.

What types of support can I receive from non-governmental organisations?

Depending on the organisation, you can be offered different types of support. Victim Support Scotland provide a community based Victim Service. This is provided in every local authority area in Scotland, and their court based Witness Service is in every criminal court in Scotland.

There are a number of other charities who can help depending on the nature of the crime. For example, Rape Crisis Scotland, TARA (Trafficking Awareness Raising Alliance) who support female victims of human trafficking, and Migrant Help, which also offers support of victims of human trafficking. Children 1st, Scottish Women's Aid and PETAL are also charities which can offer support to victims of crime. More information on these services can be found here.

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