

Criminal Justice Committee

15th Meeting, 2021 (Session 6), Wednesday 22 December 2021

What now for the prosecution of violence against women and girls?

Note by the clerk

Introduction

1. As part of the Committee's early work in this new parliamentary session, Members have been looking at the efforts to tackle violence against women and girls, the measures that have been proposed to improve how these crimes are prosecuted and how the criminal justice system supports survivors of these crimes.
2. On 22 September, the Committee took evidence as part of a roundtable from:
 - Rabia Roshan, Violence Against Women and Girls Development Worker, Amina - the Muslim Women's Resource Centre;
 - Moira Price, Procurator Fiscal Domestic Abuse, Crown Office and Procurator Fiscal Service;
 - Ronnie Renucci QC, Vice Dean, Faculty of Advocates;
 - Detective Chief Superintendent Sam Faulds, Head of Public Protection, Specialist Crime Division, Police Scotland;
 - Sandy Brindley, Chief Executive, Rape Crisis Scotland;
 - Dr Marsha Scott, Chief Executive, Scottish Women's Aid;
 - Professor Michele Burman, Professor of Criminology and Professor James Chalmers, Regius Professor of Law, University of Glasgow
3. The evidence session explored issues such as:
 - The impact of coronavirus restrictions on reporting and investigating these crimes, and the provision of support.
 - The impact, and any unintended consequences of recent legislation introduced to improve the identification and prosecution of these crimes.
 - The experience of victims who report these crimes and whether this has improved.

- The general requirement for corroboration.
 - The merits or otherwise of the not proven verdict.
 - Whether a crime involving hatred or prejudice because of gender should be classed as a hate crime.
 - The *Improving the Management of Sexual Offence Cases* report recommendations by the Lord Justice Clerk, Lady Dorrian, such as:
 - the creation of a specialist court, with trauma-informed procedures, for serious cases;
 - complainers having access to independent legal representation in objecting to questioning about their previous sexual history;
 - a presumption in favour of pre-recording complainers' evidence in serious cases;
 - complainers having a statutory right not to be identified in the media rather than relying upon current convention and agreement; and
 - a pilot of single judge rape trials, instead of juries, to ascertain their effectiveness.
4. The Committee will set out its findings on this and the issues covered in other roundtables in a report published early in the New Year. This will set out proposals for short- and longer-term actions that are needed to deliver improvements on this issue.
5. On Wednesday 24 November, the Committee met privately and informally with a number of survivors of sexual offences, domestic abuse, bullying and harassment, and frontline support workers. A [note of the issues](#) raised in these sessions has been published. These meetings were facilitated by Rape Crisis Scotland, Shakti Women's Aid Edinburgh and the Glasgow Violence Against Women Partnership.
6. **We are immensely grateful to all the women who gave their time to speak to the Committee and to the above organisations for their help in organising this important meeting. We pay tribute to the courage of all involved in speaking to us and thank them for their powerful testimony.**
7. In advance of the publication of our report, and to follow up the meetings held with survivors and support workers, the Committee has arranged for further evidence to be heard from the following:
- Today's meeting – Rt Hon Dorothy Bain QC, The Lord Advocate, and David Harvie, the Crown Agent, Crown Office and Procurator Fiscal Service (COPFS).

8. We also heard from senior officials from the Scottish Courts and Tribunals Service on Wednesday 8 December and senior police officers followed by the Cabinet Secretary for Justice and Veterans on 15 December.
9. The Committee were also copied into a [letter](#) from the Cabinet Secretary for Justice and Veterans to the Lord Justice General setting out his plans to take forward the recommendations of the Lord Justice Clerk's Review Group on improving the management of sexual offence cases.
10. The purpose of these sessions is to ask the above witnesses to comment on the evidence heard so far. We will also seek their views on what more can be done to improve the way such crimes are prosecuted and how the survivors of these crimes and their families can be better supported by the different bodies within the criminal justice system.
11. The **Annex** to this paper sets out a timeline of recent studies/reviews/working groups looking into efforts to improve the prosecution of rape and sexual offences, and other gendered-violence.

**Clerks to the Committee
December 2021**

Timeline of recent studies/reviews/working groups looking into efforts to improve the prosecution of rape and sexual offences, and other gendered-violence

2015

- Publication of the report by Lord Bonomy on The Post-Corroboration Safeguards Review
- Publication by the Scottish Courts Service of its [Evidence and Procedure Review Report](#) (March 2015)

November 2017

- The Inspectorate of Prosecution in Scotland's [review of the investigation and prosecution of sexual crimes](#) by the Crown Office and Procurator Fiscal Service (2017)

April 2019

- Establishment of the Lord Justice Clerk's Review Group to improve the management of sexual offence cases

October 2019

- Publication of [mock jury research](#) into the Not Proven verdict

February 2020

- HMICS publication - [Strategic Review of Police Scotland's Response to Online Child Sexual Abuse](#)

August 2020

- Publication by HM Inspectorate of Prosecutions in Scotland of the [investigation into prosecution of sexual crimes](#)

December 2020

- Passing of the [Forensic Medical Services \(Victims of Sexual Offences\) \(Scotland\) Bill](#)

February 2021

- Establishment of the [Misogyny and Criminal Justice in Scotland Working Group](#) (final report expected in February 2022)

CJ/S6/21/15/1

March 2021

- Publication of the [Improving the Management of Sexual Offence Cases Final Report](#) from the Lord Justice Clerk's Review Group

August 2021

- HMICS [Progress Review of Police Scotland's Response to Online Child Sexual Abuse and Exploitation](#)

September 2021

- Publication of the Programme for Government, containing commitments to launch a public consultation on the three verdict system and whether the not-proven verdict should be abolished (by end 2021). Also consideration of reform of the corroboration rule

November 2021

- Proposed establishment of a Scottish Government led Governance Group to review the report from the Lord Justice Clerk