



BRIEFING

Specialist Sexual Offences Court (2023)

The logo for Rape Crisis Scotland, featuring the text "RAPE CRISIS SCOTLAND" in a bold, sans-serif font, stacked vertically. The text is white and set against a dark, textured background that resembles a halftone or dot pattern.

**RAPE
CRISIS
SCOTLAND**

Specialist Sexual Offences Court

The Scottish Government is currently considering introducing a specialist sexual offence court for Scotland.

Rape Crisis Scotland is strongly supportive of this development. We believe that it could improve the experiences of survivors of sexual violence and rape seeking justice in Scotland. Too many survivors tell us about the trauma and distress caused by the criminal justice process. There is a clear and compelling need for change.

As this new court is formed, it is crucial that the experiences and voices of survivors are at the core of decision making. There are a number of key features that should be incorporated in the new court to ensure that it is genuinely trauma informed.

Why do we need Specialist Courts?

At RCS we hear consistently about poor experiences within the current court structure. There is a lack of awareness and sensitivity of the needs and experiences of survivors of sexual violence¹. Complainers of sexual offences tell us of additional, unnecessary trauma caused by floating trial diets, how evidence is taken and the layout/facilities in court buildings. Too often, the process of attending court and participating in a sexual offence trial causes significant levels of unnecessary re-traumatisation.

Conviction rates for rape in Scotland are the lowest of any crime type. For cases that reach trial the conviction rate is around 51% compared to 91% for all other crime.²

Survivors are also facing severe court delays in sexual offence cases, a longstanding issue that was made worse by the Covid pandemic. Survivors are routinely waiting 2-3 years for a conclusion in their case. This prevents them from moving on, and some even delay seeking counselling or medical treatment through fear these records will be used against them in court.³

¹ 'Justice Journeys' (2019) - [Justice Journeys Report Aug 2019 FINAL \(sccjr.ac.uk\)](https://www.sccjr.ac.uk/justice-journeys-report-aug-2019-final)

² [Statistics and Key Information | Rape Crisis Scotland](#)

³ Burnam and Brooks Hay – 'Delays in Trials – The Implications for Victim-Survivors of Rape and Serious Sexual Assault – an update' (2021)

Examples of Specialist Courts

In Scotland we have seen the success of the domestic abuse court which has led to an increase in early guilty pleas and in conviction rates as well as greater victim satisfaction.⁴

In New Zealand, a specialist court pilot had positive results. Its features include dedicated judges, control of cross-examination, greater use of special measures, as well as features for the comfort and safety of complainers. The court used firm trial dates and independent victim advocates worked alongside the court.

It was considered that the court dealt with delays in an efficient way, improved trial quality with better evidence and overall led to more pre-trial guilty pleas. In general, complainers felt that their re-traumatisation was reduced.⁵

Survivor voices

In forming our views on the introduction of specialist courts we consulted with members of our SRG who were strongly in support of the creation of a specialist court.

'if you have a specialism that's a benefit, and there's an ideology of it being compassionate and empathetic. It feels not as clinical or as brutal.' (an SRG member)⁶

What should the court include?

RCS supports the key elements of the specialist court outlined in Lady Dorrian's Review

1. The pre-recording of the evidence of all complainers
2. Increased judicial case management, including ground rules hearings for any evidence to be taken from a complainer, either on commission or in court
3. Accredited and specialist trauma-informed training for everyone involved in the trial, including judges and lawyers.

⁴ 'Handling Domestic Abuse Cases' (2008) - [Handling Domestic Abuse Cases: A Toolkit to Aid the Development of Specialist Approaches to Cases of Domestic Abuse \(webarchive.org.uk\)](https://web.archive.org/web/20080719190000/http://www.dca.govt.nz/publications/Handling%20Domestic%20Abuse%20Cases.pdf)

⁵ Allison and Boyer – 'Evaluation of the Sexual Offences Court Pilot' (2019) [Sexual-Violence-Court-Pilot-Evaluation-Report-FINAL-24.7.19.pdf \(districtcourts.govt.nz\)](https://www.dca.govt.nz/publications/Sexual-Violence-Court-Pilot-Evaluation-Report-FINAL-24.7.19.pdf)

⁶ [Improving-Victims-Experiences-of-the-Justice-System-Consultation-Response.pdf \(rapecrisisscotland.org.uk\)](https://www.rapecrisisscotland.org.uk/wp-content/uploads/2018/06/Improving-Victims-Experiences-of-the-Justice-System-Consultation-Response.pdf)

The ethos of this system must be trauma-informed and victim-centred in its approach. This does not mean providing a one-off training course to professionals, it is about an ethos which confers principles onto practice. Those of choice, collaboration, trust, empowerment and safety.

Additional features

Therefore, in addition, we believe that the court should feature: -

- Dedicated advocacy and court support provided by Rape Crisis advocacy workers – our staff are specially trained to deal with the needs of survivors and often have established relationships
- A totally new approach to the scheduling of trials which avoids floating trial dates
- Separate entrances and waiting areas for the survivor and their family and the accused. Survivors have spoken of the fear of seeing the accused, or his family, at court and many reported that this happened to them
- A protected area where the survivor and her family can watch proceedings. Survivors see the importance of having the option to view proceedings and control what information they receive. The facilities to do so are currently not acceptable. All survivors we consulted felt that a private viewing gallery or a live stream would be the best options
- A standard of practice and ticketing service for Counsel and lawyers participating in the court

Sentencing powers

We strongly believe that this court should have full sentencing powers so as to avoid any impression of a downgrading of rape and other serious sexual offences.

Location

Many of the survivors we consulted with indicated that they would be prepared to travel further to gain the benefit of the specialist court. This was particularly seen as viable if they were given firm court dates.

Have you experienced sexual violence? Share your views with us on what the new specialist court should look like

At Rape Crisis Scotland, we are keen to amplify survivors' views about what a new specialist sexual offences court for Scotland should look like. Do you agree with the above elements? Is there anything else that should be considered to make the new specialist court as trauma informed as possible?

Please send us your views and ideas to: justicereform@rapecrisisscotland.org.uk

Please let us know in your email if you'd be happy for your comments to be used in Rape Crisis Scotland's communications about specialist sexual offence courts as well as future justice reform proposals. This might include being used on social media, on our website and in our press work. We will fully anonymise all comments and we won't share any without your consent.