

What are my rights as a complainer in a sexual offence trial?

You have the following rights:

- You have the right to an effective investigation capable of leading to the identification of and punishment for those responsible for the crime.
- You have the right to an investigation that is conducted independently, promptly and with reasonable speed.
- You have the right to participate effectively in the investigation and proceedings, to the extent that is necessary to secure your interests.
- You have a right to free legal advice and representation if the defence or prosecution want to obtain your medical or other sensitive records. This right does not apply to the Crown obtaining any records relating to any injuries from the rape or sexual assault.
- You have a right to be informed and have your views conveyed to the judge if the Crown or defence want to bring up anything about your sexual behaviour, history or character to suggest you should not be believed or did consent. The same applies to any attempt to suggest you suffer from a medical condition which means you should not be believed or did consent.
- You have a right to certain special measures to assist you in giving your evidence at trial where you wish this, such as having a supporter present in court, using a screen so you don't need to see the accused, and giving evidence from another room via live link.
- If your case is being heard in the High Court, you have the right to apply for a transcript of the trial once it has finished.
- You have the right to ask the prosecutor to review a decision not to take action or to stop prosecuting a case.
- If your case is a sexual offence case which being heard in front of a jury (in the sheriff or high court), you have a right to make a victim statement, setting out the impact the crime had upon you, and for this to be considered by the judge or sheriff if the perpetrator is convicted.
- If the perpetrator is convicted and sentenced to a jail term of more than 18 months, you have a right to be notified if they are being released from custody and to make representations about their release. If they are sentenced to less than 18 months you have the right to receive information about the date they are to be released from custody.
- You have the right to apply for state compensation for the harm you have experienced. You have to have reported the incident/s to the police, and applications for compensation normally need to be made within two years of the incident/s, although there are some exceptions to this.

The Police, the Courts and Prosecutors must have regard to the following principles:

- You should be able to obtain information about what is happening in the investigation or proceedings.
- Your safety should be ensured during and after the investigation and proceedings.
- You should have access to appropriate support during and after the investigation and proceedings.
- You should be able to participate effectively in the investigation and proceedings, in so far as it would be appropriate to do so.
- You should be treated in a respectful, sensitive, tailored, professional and non-discriminatory manner.
- You should, as far as is reasonably practicable, be able to understand information you are given and be understood in any information you provide.
- You should have your needs taken into consideration.
- You should be protected from secondary and repeat victimisation, intimidation, and retaliation.

You should expect...

- To be consulted about how you want to give your evidence.
- To be offered an opportunity to visit the court prior to giving evidence.
- To be offered an opportunity to meet the prosecutor before giving your evidence.
- To have a supporter in court with you when you are giving evidence, as long as they are not a witness in the case.
- That the Judge or Sheriff will consider clearing the public benches when you give your evidence. In practice, this happens routinely in the High Court, meaning no member of the public will be present when you are giving your evidence.
- That your name or any identifying information will not be published in any press coverage of the case.

Other important sources of information about your rights and service standards:

- [The Victims Code for Scotland](#)
- [Victim Services](#) | [COPFS](#)

This guide was developed by the **Emma Ritch Law Clinic** in partnership with **Rape Crisis Scotland**.

The Clinic, based in the **Glasgow Open Justice Centre**, provides independent legal advice and representation to complainers in sexual violence cases.



Rape Crisis Scotland

Rape Crisis Scotland provides support to anyone age 13 and over who has been affected by sexual violence.

Phone: 0808 8010 302 (5pm to midnight)

Text support: 07537 410 027 (Text number will show on your bill)

Email: support@rapecrisisscotland.org.uk

Helpline webchat support: [rapecrisisscotland.org.uk](https://www.rapecrisisscotland.org.uk)

For further details,
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