

PE1403/K

Petitioner Letter of 21 February 2013

A VICTIMS' DESPAIR

In my 2 years of campaigning for victims rights since the end of my darling sisters' murder trial, I have rarely felt more disappointment than I do today. Having seen the draft bill of the Victims and witnesses bill yesterday for the first time my initial reaction is not so much that it needs amending as it needs completely rewriting.

A quote from Mr Macaskill was that he felt "Confident that the changes made in this bill will help make what is often the most difficult episode in someone's life a bit easier". The key words in this statement is , " a bit". To say that this legislation as it stands will make any significant difference to victims' lives is just not true. To say that this legislation is radical is not true and to say that this now puts victims at the heart of the justice system is also not true.

This legislation is minimal, as in keeping with the EU minimum standard of rights for victims, but that is all. It appears to have been written by lawyers with their interests primarily and not in the interests of victims. It does not appear to have any ambition to answer some difficult questions for example, where the rights of victims conflict with the rights of offenders, it does not explain the consequences of the legislation for example what impact will victims statements have on the judicial process and what does it do for victims if their statements are completely ignored by a judge or a parole board. That for me is purely an appeasement of victims, managing their expectations and giving them an" apparent voice."

If victims had really been given a voice then surely the government would be proposing a "Victims Commissioner", someone who could fight for victims rights, ensure a proper code of practice, administer new legislation and be constantly forward thinking in looking for further improvements to victims rights. By way of irony the government does suggest a code of good practice for organisations dealing with victims, which is great until you discover that nowhere in the bill does it suggest what the code of practice should be. I have written to Mr Macaskill and others with a suggested code of practice and have as yet had no reply.

Following up that point is where my disappointment really lies, in what the draft bill leaves out and does not include.

I have for some time felt that the criminal justice system is disjointed and has many gaps in dealing with victims, for example the need for victims to be passed from pillar to post with

organisations such as police, courts, victim support all dealing with them at different stages of their case. The simple but effective policy of having a dedicated point of contact or case companion as I have dubbed it would go a long way to reduce the stress of victims having to establish multiple relationships whilst going through their case, this point has not at any point been acknowledged in the bill.

The need for effective post court case care to ensure that a victim not only gets justice but also fully recovers from their case is not addressed at any stage and naturally any victim will tell you that justice without recovery almost makes justice itself pointless.

This last point shows that those who have written this draft bill have very little empathy of what a victim has gone through, but then again the whole bill suggests a lack of empathy and it certainly suggests in its current form that those victims who have contributed to the consultation process have not been listened to. Another good reason for having a Victims Commissioner.

In its current format the “Victims Surcharge” is nothing more than an appeasement, the direct victims of a particular crime will not receive compensation from their offender, the money will go to the government and then be passed on to charities to disseminate as is their want. Is this really restorative justice? I naturally accept the principle as I do accept the principle of restitution orders for police, but I do feel that automatic compensation for victims would be a far more effective way of ensuring victims needs are met, another issue that has not been addressed in the bill.

The definition of “Vulnerable Victims and Witnesses” is also lacking in empathy. It is my belief that anyone who has to occupy the unknown world of the criminal justice system because of what someone else has done to them is a Vulnerable Victim and to say they are not is an insult to the definition of Victim, there are situations where young victims or other categories would need special provision and I fully support that, but let’s get the language right.

And finally for now the concept of a Victim information service or hub is an excellent idea but nowhere in the draft bill does it suggest how this would be delivered. For example how would you disseminate information to an elderly person who has no access to the internet, would that not surely add to the argument for a case companion.

Mr Macaskill said yesterday that the Scottish government gives over 5 million pounds per year to Victims charities, whilst this is true he failed to point out that over 100 million pounds is given by the Scottish government every year to pay for the legal aid of criminals and as far as this legislation is concerned it appears that no extra investment is planned for victims.

In conclusion it would be churlish to oppose a bill that attempts to create some improvements for victims and witnesses but I do not feel that within the current bill as it stands I feel that victims all over Scotland will feel nothing but a sense of disappointment at a missed opportunity to make some real and radical improvements to victims lives.

Peter Morris

21 February 2013