

# Victims Law

Scottish Conservative  
& Unionist Party

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## 1. Enable all victims to provide victim statements so their voices are heard.

In Scotland, only victims of the most serious crimes are able to make a victim statement to tell the court how the crime has affected them. We would bring Scotland in line with the rest of the UK, and other countries like the Republic of Ireland and New Zealand, and enable all victims to make a statement. (Scottish Government, Victim Statement Scheme: consultation, 1 September 2019, Annex A, Annex B, [link](#)).

## 2. End soft-touch sentencing to punish criminals properly.

We would end the Presumption Against Short Sentences so criminals can be imprisoned for 12 months or less where appropriate and ensure community sentences are always completed in full and contain an element of work.

## 3. Put a stop to the worst criminals being released early to keep our streets safe.

We would introduce Whole Life Custody, meaning the most serious criminals would be able to be locked up with no opportunity for parole, and end automatic early release so that every criminal would have to face a Parole Board before being released early.

## 4. Enshrine in legislation the right for all victims to be notified of decisions not to prosecute or discontinue criminal proceedings so they can challenge the decision.

We would implement all the recommendations of the 2018 Inspectorate of Prosecution in

Scotland's report on the Victims' Right to Review, including introducing a system of notifying all victims of decisions not to prosecute.

## 5. Introduce a statutory timescale for Fatal Accident Inquiries to commence so families can get answers as soon as possible.

FAIs can investigate any death that requires further explanation, such as any sudden, suspicious, unexpected or unexplained death and any death which has occurred in circumstances which give rise to public concern. In contrast to criminal proceedings, there are no statutory legal time limits governing such inquiries. We would implement a 12 month standard. (Inspectorate of Prosecution in Scotland, Fatal Accident Inquiries: follow up review, 7 August 2019, [link](#)).

## 6. Restrict the right of the accused to request post-mortems to protect murder victims' families from further trauma.

Defence lawyers can currently request further post-mortems within long timescales, preventing families from burying their loved ones. We would limit these timescales to put an end to families' suffering. (COPFS, Press Release, 31 October 2018, [link](#)).

## 7. Implement Michelle's Law to support the families of murder victims.

The family of Michelle Stewart, who was murdered by her boyfriend in 2009, aged only 17, are calling for changes to prison and parole rules to safeguard families. The SNP promised to act in 2018 but have so far failed. We would:



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- Explicitly require the safety and welfare of victims and their families to be taken into account when parole and early release are considered;
  - Increase the use of ‘exclusion zones’ on offenders, to offer increased protection to victims and their families; and
  - Toughen up the Victim Notification Scheme so victims and their families are given reasons for an offender’s release, and can make representations in person every time it is considered.
- (BBC News, 25 September 2020, [link](#))

### **8. Improve access to the Victim Notification Scheme so more victims have access to information about the release of offenders.**

The latest statistics show that less than a quarter of eligible victims join the scheme. We would increase this by reducing bureaucracy and ensuring support is available to help victims to join the scheme. (The Scottish Sun, 14 September 2020, [link](#)).

### **9. Ensure that the Victim Notification Scheme works for families of murder victims.**

Four family members can currently join the scheme according to a priority order list. But if a highly-ranked relative such as a parent chooses not to join, they cannot be replaced and only three family members would be able to join the scheme. We would change this policy to give families access to the information they need. (Scottish Government, Victim Notification Scheme: guidance for victims of crime, 17 August 2018, [link](#)).

### **10. Tackle the court backlog so victims are not held in limbo any longer.**

There was a significant backlog at the start of the year, and the COVID-19 pandemic has exacerbated the situation. We would utilise alternative venues, digital solutions and extend court sitting hours to ensure cases are processed as soon as possible and justice is delivered. (Justice Committee, Re-opening Scotland’s courts and tribunals system, 28 September 2020, [link](#)).

