



Evidence to the Petitions Committee in Consideration of Petition PE1652

INTRODUCTION

1. VSS is the largest charity supporting people affected by crime across Scotland through the provision of practical help, emotional support and essential information.

We welcome the opportunity to provide evidence to the Petitions Committee in relation to the petitioners request that the Scottish Government reviews the operation of the law on abusive and threatening communication.

VSS takes seriously the issue of threatening communication and the impact this has on victims, whether it is a one off piece of communication, or multiple electronic threats as part of a campaign of harassment.

2. The Petitioner states that the general requirement in Scotland for corroboration in criminal offences may be a barrier to prosecution in offences relating to threatening communication.

VSS has previously provided evidence on corroboration during extensive debate on the matter in the Scottish Parliament. However, for brevity, our position is that corroboration represents an obstructive barrier to justice for many.

3. Victim Support Scotland seeks a criminal justice system which is fair to everyone, including victims, witnesses and the accused. We therefore support

the accused's Article 6 right to a fair trial, and recognise that wrongful convictions are not in the interests of an equitable justice system.

4. The current legislative framework on hate crime in Scotland includes the Criminal Law (Consolidation) (Scotland) Act 1995, the Criminal Justice (Scotland) Act 2003, the Offences (Aggravation by Prejudice) (Scotland) Act 2009 and the Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012.
5. We are encouraged that the Right Honourable Lord Bracadale is currently chairing an independent review of the suite of laws covering hate crime offences in Scotland, aimed at ensuring it is fit for purpose in the 21st century¹.
6. This review began in January and is expected to last for around twelve months. The review will consider whether the current mix of statutory aggravations, common law powers and specific hate crime offences is the most appropriate criminal law approach to take and will look to identify "*gaps, anomalies and inconsistencies*" in the current legislation, as well as considering how the laws can be simplified².
7. VSS hopes this review will give rise to change to ensure that those who find themselves the victim of hate crime have appropriate legal protection, including those subject to abuse in relation to the Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012, which includes the offence of making "*threatening communications*".
8. Within a changing global environment it is necessary to revisit the body of relevant legislation in Scotland to ensure the laws we have in place are fit for purpose.

¹ <https://beta.gov.scot/news/review-of-hate-crime-legislation/> "Review of Hate Crime Legislation" (accessed 27/06/17).

² *ibid*

ENDS