



Victim Support Scotland **Helping people affected by crime**

23 January 2024

Humza Yousaf MSP

First Minister

[humza.yousaf.msp@parliament.scot](mailto:humza.yousaf.msp@parliament.scot)

Angela Constance MSP

Cabinet Secretary for Justice and Home Affairs

[angela.constance.msp@parliament.scot](mailto:angela.constance.msp@parliament.scot)

Open letter regarding anonymity from victim support organisations and charities

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Dear Humza Yousaf MSP and Angela Constance MSP

We are calling on the Scottish Government to take action to safeguard surviving siblings from the significant and negative media attention following the death of a child or young person as a result of crime.

As charities supporting thousands of the most vulnerable people in Scotland, we know through the services we offer every day, the devastating impact of trauma of people's whole lives, and the further impact of press and social media coverage on families and children in particular.

We have much learning to take from international models from Ireland, India and Australia. Building on this, these proposed changes focus on putting choice and control in the hands of families.

Head Office

15-23 Hardwell Close, Edinburgh, EH8 9RX [info@victimsupportscotland.org.uk](mailto:info@victimsupportscotland.org.uk)

Victim Support Scotland is a Scottish Charitable Incorporated Organisation, registered in Scotland

SC002138 President HRH The Princess Royal

Our experience of supporting vulnerable people within the voluntary sector in Scotland reinforces our firmly held view that victims and their families should be treated with equality regarding their privacy.

Consequently, we are calling for victims under the age of 18 who die as a result of crime to be offered the same rights and protections as a living victim under the age of 18 who is the victim of another crime, for example sexual abuse or assault.

Currently in Scotland, the victim's name, photograph, and extremely sensitive details about them and the crime that was committed against them are usually released in the public domain. This causes huge distress and adds to an already unimaginably traumatic situation.

Surviving siblings have a right to a childhood. They have a right to a private, family life.

We are calling on the Scottish Government to afford an automatic right to anonymity to children and young people who die as a result of a crime so that their surviving siblings can live their lives free of unnecessary intrusion.

We are particularly concerned about the graphic and distressing information available online that children and young people have access to. Given the horrific nature of death as a result of crime, we implore the Scottish Government to do everything within their power to protect surviving siblings and their families from the constant volume of information and detail in the public domain.

The current Children (Care and Justice) (Scotland) and Victims, Witnesses, and Justice Reform Bills both include provision regarding anonymity and an opportunity to strengthen current laws.

We support Victim Support Scotland in calling for three amendments to the Children (Care and Justice) (Scotland) Bill:

1. Apply reporting restrictions to the pre-court and court stages of an offence so that the restrictions cover deceased victims as well as live victims
2. A process for a court to make an order imposing retrospective reporting restrictions in respect of a particular individual aged under 18, requiring publishers to whom the order is intimated to take reasonable steps to identify and remove material that would identify the person.
3. Provide a mechanism by which families can choose to apply and appeal anonymity if they later choose to name their loved one.

In summary, it is not right that children who lose their life due to crime, also lose all their right to anonymity.

We are in an age where true crime is growing significantly, where self-published videos on channels such as YouTube and TikTok appear daily. For some families, a simple Google

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search brings up hundreds of thousands of search returns with unnecessary detail – equally searchable and findable by the surviving siblings, or their friends and classmates.

We urge the Scottish Government to do the right thing, to take action and to lead the way in support of people affected by crime. It is what the people of Scotland need, and it is what the people of Scotland deserve.

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## Victim Support Scotland

Kate Wallace  
Chief Executive



Sally Ann Kelly  
Chief Executive



Gillian Urquhart, Director



Fiona Steel, National  
Director for Scotland



Neil Moore, Chief Executive  
Officer



Iris Quar, Services Manager



Ron Culley, Chief Executive



Martin Crewe,  
Scotland Director



Annie Maugher-Thompson,  
Chief Executive



Mary Glasgow,  
Chief Executive



Margaret Dekker, Researcher



Fiona Dyer,  
Director



Marsha Scott, Chief Executive



Joe Duffy,  
Chairperson



Jan Macleod, Manager

Families Outside

Prof. Nancy Loucks,  
Chief Executive

Head Office

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