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24 February 2025

Dear Conveners,

MEDIA REPORTING ON CHILD HOMICIDE VICTIMS: CONSULTATION ANALYSIS AND NEXT STEPS

As you are aware, we ran a public consultation on media reporting on child homicide victims from 9 July to 1 October 2024. This was following concerns raised during the passage of the Children (Care and Justice) (Scotland) Bill by bereaved families about the traumatic impact of intense and continuing press and social media coverage of the death of their loved ones as a result of a crime, particularly child victims of homicide.

At that time, I committed to holding a public consultation on this issue, following engagement with bereaved families and hosting a cross-party roundtable involving victims organisations, media representatives, academics and others.

The consultation invited views on a range of possible approaches - both legislative and non-legislative - to reduce the trauma that media reporting can have on bereaved families, and on what wider impacts those approaches might have.

The responses to the consultation have now been analysed and a report of the findings has been published today. Both the consultation analysis and responses, where permission was given to publish, are available at <https://consult.gov.scot/justice/media-reporting-on-child-homicide-victims/>.

I am very grateful to all those who took the time to share their views and experiences, particularly those who have been bereaved. I would also like to take this opportunity to recognise Victim Support Scotland's committed work in raising awareness of the distressing

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impact that media coverage can have on families, which has been instrumental in ensuring that this issue has received the attention and thorough consideration it merits.

Consultation findings

There were 46 responses to the consultation. Of these almost two-thirds (30) were received from groups/organisations and one third (16) were received from individuals. Respondents included bereaved families and friends, media organisations, victim support organisations, children's organisations, legal organisations, justice partners and legal academics.

The consultation had sought views on four potential approaches:

- Option 1** No legislative change, but potential development of measures like guidance for the media.
- Option 2** Automatic anonymity for deceased child victims, with no option for anonymity to be waived.
- Option 3** Automatic anonymity for deceased child victims, with an option to apply to court for a waiver.
- Option 4** No automatic anonymity, but an option to apply to court for an anonymity order.

Respondents' views were polarised on whether legislating for anonymity was an appropriate action to take, and none of the four options was supported by a majority of respondents. Generally, victim support organisations and bereaved individuals favoured option 3, while media respondents were strongly opposed, and some legal academics expressed significant concerns with any legislative approach. There was little support from any respondents for options 2 or 4.

The consultation highlighted a range of challenges with pursuing a legislative response. These include the risk of criminalising or silencing bereaved friends and family who - with the best of intentions - wish to comment on the victim's death or their legacy; the curtailment of freedom of expression and open justice; the need for any reporting restrictions to apply across the UK to be meaningful which is not possible in a devolved setting; the difficulty of enforcement on social media; and the fact that bereaved family members might not share the same view on whether the victim should be anonymous (and indeed that their views might change over time).

Next steps

Regretfully, therefore, whilst I understand and have great sympathy for the distress of bereaved families, I do not believe that legislation would be an effective way of dealing with the complexities of reporting on child homicide cases, or that legislation would be flexible enough to cover the diverse circumstances of cases and the people affected by them. Therefore the Scottish Government does not intend to bring forward any legislation in this area.

The consultation has made clear that there would be serious complexities with developing legislation that avoided unintended consequences; that struck a robust balance between privacy rights and freedom of expression; and that could be enforced in practice.

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Any legislative approach would be likely to criminalise ordinary human responses to the tragedy of a child's death, such as online tributes. There is also a risk of legislation drawing arbitrary distinctions – for example, by seeking to protect children who have lost a young sibling to homicide, but not children who have lost a parent.

It is also questionable how effective legislation would be at protecting bereaved families from distressing media coverage. A range of factors might limit the effectiveness or benefit of anonymity provisions, including conflicting views within families; the potentially confrontational and distressing nature of any court application process (which may ultimately not result in the outcome family members hope for); the difficulties of communicating and enforcing reporting restrictions; and the continued publication of traumatising details about the case, even if the victim's identity is withheld.

However, many of the experiences highlighted in consultation responses vividly illustrate the need for more sensitive reporting on these cases. Although I do not believe legislation is the best mechanism to achieve that, I do intend to work with stakeholders on the following non-legislative measures, which I hope will make a positive difference for families:

- **Media guidance** - I am committed to supporting the development of dedicated guidance for the media on sensitive reporting on child homicide cases. For guidance to be as effective as possible, it is important that it is both fully informed by an understanding of the impact coverage can have on families, and that it has buy-in from the media. I am therefore keen that it is developed in collaboration between media and victim support organisations.
- **Training** - We are exploring the potential for journalism courses, newsrooms or regulators to offer bespoke training for journalists. We are also in discussion with justice partners about other work that could help in this area, including specialist training and guidance.
- **Support materials for families** - Victim Support Scotland, through its specialist service for families bereaved by crime, provides support and guidance for bereaved families on what to expect in terms of engagement with, and coverage by, the media. We are working with them on building this resource for wider use, such as guidance to support families in navigating the media interest in - and coverage of - the case, and to provide information on their rights throughout the criminal justice process. Justice agencies have also expressed interest in contributing to the development of this, and in its use in practice.
- **Further support for families** - We are engaging closely with Victim Support Scotland to explore whether there are other practical interventions that would directly support affected families.

I hope this update is of interest and use to the Committees.

Yours sincerely,

ANGELA CONSTANCE

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