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Relatives of victims to get say at trials

Mark Oliver and agencies
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Families of victims are to be given the option of speaking at murder and manslaughter trials under government plans announced today.

Relatives will be able to speak, or have a statement read out on their behalf by a lawyer acting as a "victim's advocate", ahead of sentencing after a killer has been convicted.

The plan, inspired by the US system, drew a mixed response from victims' of crime groups and some lawyers questioned whether it was necessary.

But the constitutional affairs minister, Harriet Harman, said direct statements from relatives would improve the current system in which judges are presented with written pre-sentence reports taken from police interviews of relatives.

She said the new plans, outlined in a Department for Constitutional Affairs consultation paper published today, were an opportunity for the currently "silent" relatives to make dignified statements directly to judges.

"I think it's better to hear in person what they [bereaved relatives] have to say before the sentence is given," Ms Harman told GMTV.

A new platform for relatives at trials could be used by them to describe their grief and suffering or, alternatively, to express their forgiveness and ask for lenient sentences.

The government's plans will be trialled in a pilot project for three months at up to five courts in England and Wales. If this is successful, the scheme will be rolled out throughout the country and could also be extended to cover other crimes.

Absent from today's plans was a pledge the Labour party made

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Absent from today's plans was a pledge the Labour party made a few days ahead of May's general election to give rape victims their own barrister in court.

Ms Harman played down the absence of a victim's advocate for rape victims from the pilot scheme. She told BBC Radio 4's Today programme: "We are looking at particular proposals now on homicide ... we are thinking about what we do for rape victims."

She said the obvious difference between rape victims and murder victims was that rape victims "will always be able to give evidence in court, the homicide victims can't, because they are dead".

Ms Harman said she did not think judges would be "unduly influenced" by the relatives' statements. She said: "I think we can expect, and rely on, and be confident that the judges will be dispassionate. They will hear mitigation from the offender ... they will have heard the sometimes harrowing facts of the case."

In the US, bereaved families of murder victims and the victims of other crimes, including violent assaults, have been able to make direct statements to court about the impact of the crimes for the last ten years.

Under the government's plans, if relatives did not want to make the statement themselves it could be read out by an independent, legally-trained advocate provided by the state, a lay advocate, or a Crown Prosecution Service barrister.

The plans were welcomed by some victims' groups but not the Victim Support charity, which said the grief of relatives should not be linked to the sentencing process.

Lesley Payne, the grandmother of murdered eight-year-old Sarah Payne, welcomed the plans. Ms Payne told the Daily Mail: "I think this will help other families and may help the sentencing ... it would certainly have helped us if we had been able to have our say."

However some lawyers questioned how much effect the scheme would have on sentencing. Janet Paraskeva, chief executive of the Law Society, said: "We question whether this proposal is appropriate or necessary, particularly as the effect of the crime on the victim's family can already be given in a victim's personal statement," BBC News reported.

Tory constitutional affairs spokesman Oliver Heald said the plan was a "good idea" but he added: "The best way to help the victims of crime is to cut crime. Violent crime has doubled under Labour, and far fewer crimes are detected."

The project could cost millions of pounds to introduce and there were concerns that it was being put forward at a time when legal aid budgets are already under severe pressure. There were 859 recorded murders, manslaughters and infanticides in 2004-05.

LINK

<http://www.dca.gov.uk/consult/manslaughter/manslaughter.htm>
Hearing the Relatives of Murder and Manslaughter Victims -
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