

Fergus Cochrane  
Clerk Of the Committee  
Public Petitions Committee  
TG.01 The Scottish Parliament  
EDINBURGH  
EH99 1SP

Dear Fergus,

### **Consideration of PE1280**

Further to written submission returned by the **Foreign and Commonwealth Office** dated 29 March 2010, I submit my response as follows:

The information provided by the Foreign and Commonwealth Office to the Petitions Committee is basic information which can be easily accessed on the FCO website.

The content of paragraph 2 of the response details what the Foreign and Commonwealth Office "will do", what they "can do" and what they "can also do". I believe the actions they refer to should be automatic and is what most British nationals assume they do as a matter of course.

At such difficult times I believe the Guide for Bereaved Families **SHOULD** be sent as an automatic process without the need for a formal request. Grieving families are not made aware of this document's existence yet this would save them a lot of heartache and ultimately allow them more choice in dealing with such difficult decisions.

Paragraph 3 relates to the Guide for Bereaved Families. The introduction page of this guide states "You will be assigned a Caseworker with knowledge of the country in which your friend or relative died." I was never allocated a caseworker and neither did many of the other Scottish families I have been in touch with.

I would request that the Petitions Committee continue with this petition and that some of the issues raised above are again put to the FCO. There has been a change of government at Westminster and they may be minded to provide a more thoughtful response.

Further to written submission returned by the **Scottish Government** dated 01 September 2010, I submit my response as follows:

Whilst Lord Cullen's report is still being considered by departments within the Scottish Government, I request that Petition PE1280 remain open until the Scottish Government has

concluded its deliberations. I understand that no final decisions have been reached and there is currently no prospect of changes to the existing legislation governing fatal accident inquiries being implemented before the next Scottish Parliamentary Election.

Lord Cullen recommended, at paragraph 4.43 of his report, that there should be an extension to the 1976 Act to make provision for the Lord Advocate to have the powers to apply for FAIs into the deaths of persons normally resident in Scotland, where the body is repatriated to Scotland. Currently, the sudden death of a Scottish citizen in many countries will NEVER be the subject of a judicial inquiry. Neither the Scottish nor UK Governments are able to provide statistics on how many Scots have died abroad in previous years.

I appreciate that foreign affairs, including relations with territories outwith the UK, are reserved under Section 5 of the Scotland Act 1988. I would, however, suggest that obligations under the Human Rights Convention may then be applicable. As a mother, I feel it is my right to ask for an explanation as to how my son died and why there was no Government intervention.

I welcome the publishing of the Certification of Death (Scotland) Bill, which is currently under parliamentary scrutiny. Had the provisions contain within the Bill been in place in January 2009 it may have allowed me to request public funding for a post mortem examination on the repatriation of my son.

The response from the Scottish Government indicated that the appropriate authorities for liaison with the next of kin would be the Consular Services of the UK Foreign and Commonwealth Office. The principle reason for bringing PE1280 to the Scottish Parliament was to highlight that the communication with this FCO was unacceptable and that processes must indeed be changed. In the past months, since the petition was raised and through Scottish Government intervention (presumably), the FCO have changed their website on Venezuela and now include a general section, as follows:

#### *Beaches*

*Visitors should be aware that the waters of the Caribbean can be deceptive. There are strong currents and undertows in some areas that can make swimming hazardous. lifeguards and warnings are not always in place. Caution is necessary.*

I believe this is a positive step. However, I am disappointed that the FCO did not inform either the Clerk to the Petitions Committee or the Scottish Government that these changes had been made.

I request that the Committee consider the above and move for the petition to remain open until Lord Cullen's report is considered and all recommendations concluded. I ask that this petition forms part of the Petitions Committee legacy paper for 2011 in order to allow a future committee to request a progress update on these matters from the next Scottish Government.

Yours sincerely

Julie M Love