

## **JUSTICE COMMITTEE**

### **VULNERABLE WITNESSES (CRIMINAL EVIDENCE) (SCOTLAND) BILL**

#### **SUBMISSION FROM DR STUART WAITON**

Before passing this bill I think it is worth considering the trend in society for more people to be classified as vulnerable and more events or incidents to be interpreted as something that makes someone vulnerable.

The use of the term vulnerable has expanded exponentially over the last few decades, with new terms being created, like 'vulnerable groups' and new categories of people being redefined as being vulnerable. This needs to be understood within our particular political and cultural landscape, rather than seen, one-dimensionally, as a simple fact or reality.

Indeed it could be argued that the term 'vulnerable' has become a label. We tend to be questioning of labelling but rarely when it is this label that is being attached to entire groups of people. It could be argued that in fact this is a modern type of caricature – all black people are vulnerable, all children are vulnerable and so on.

The danger with this is that there is a spiralling tendency for more and more people to be classified as vulnerable and therefore to be protected by the court and potentially protected from justice.

This has a clear problem in terms of cross examination and the ability to get to the truth. It also, inadvertently, can have the effect of undermining the 'victim's' case, by limiting their ability to express themselves in court.

Either way, this proposal is a further limitation to justice and a further undermining of basic legal principles and processes.