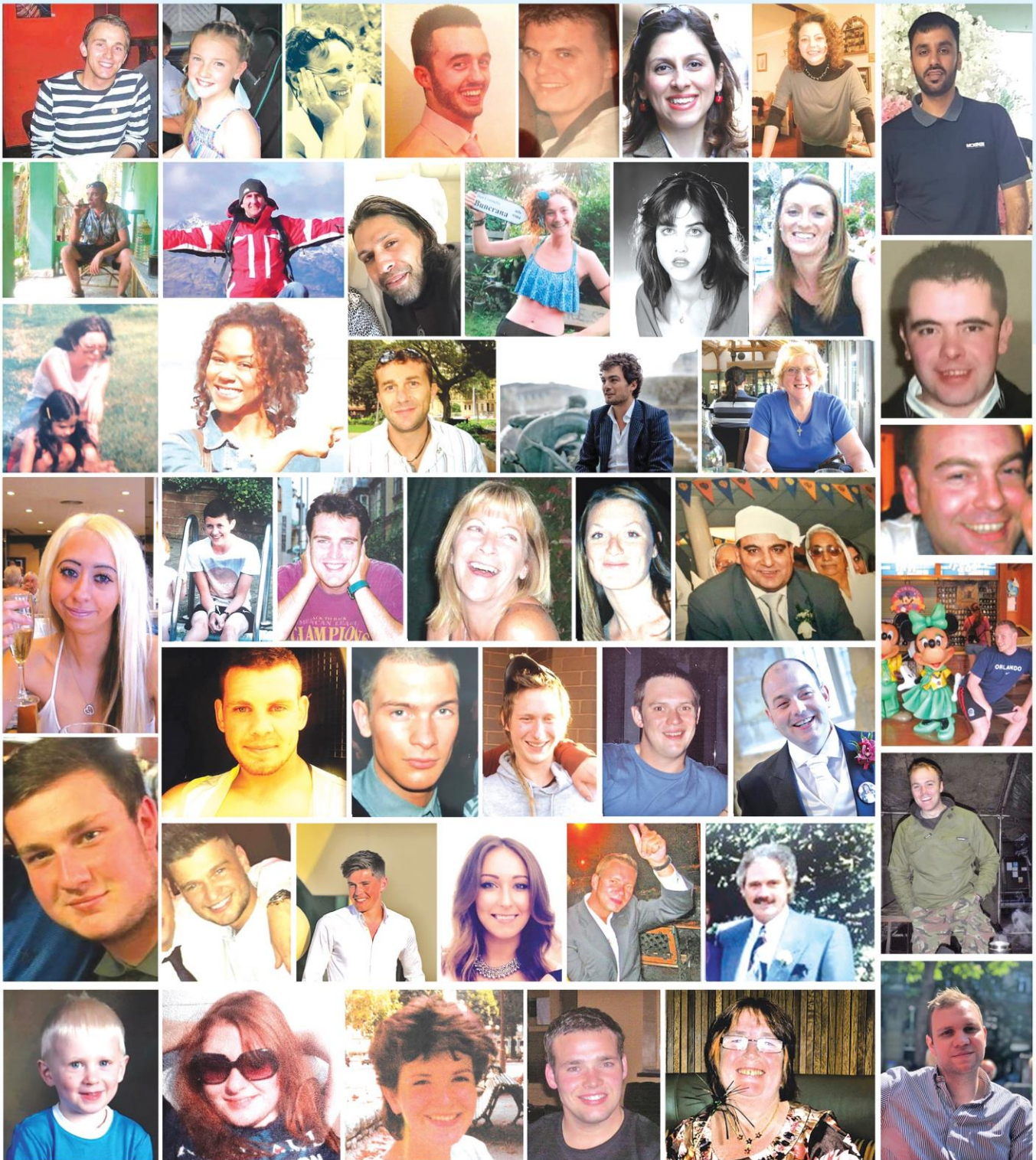




The All Party Parliamentary Group  
on **Deaths Abroad, Consular Services and Assistance**  
Report 2019

Why families in the UK deserve better and what can be done



# Foreword

*By Hannah Bardell MP, chair of the All Party Parliamentary Group on Deaths Abroad, Consular Services and Assistance (the “APPG”)*

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When you are elected to Parliament you have your own ideas about the issues you'll champion but I could never have envisaged meeting and hearing from some of the families and what they have been through as I have with the APPG.

A few months after I was elected in 2015 I learned of the death of the beautiful and bright young woman Julie Pearson. Beaten and abused by her former partner she died after a severe beating in Eilat, Israel yet the authorities claimed she died of natural causes. Her aunt Deborah, my constituent and one of the most formidable women I have ever encountered, has campaigned relentlessly since then fighting for answers, truth and justice for Julie.

In April 2017 another vibrant and brilliant young woman from Livingston was killed. Kirsty Maxwell was 27, newly married to husband Adam and on holiday in Benidorm when she fell from a balcony to her death in suspicious circumstances. Adam and Kirsty's parents Denise and Brian Curry have also campaigned and worked relentlessly to find out how Kirsty died.

After trying to represent a second family facing such tragedy it became clear to me that there is very little support for families and little if no coherent process in place to make sure British citizens and their families are adequately supported. I asked questions on the floor of the House of Commons, held a debate in Parliament, wrote to the Prime Minister and held meetings with Ministers from the Foreign and Commonwealth Office, yet I came up against brick wall after brick wall.<sup>1</sup>

After raising and debating their issues in Parliament in February 2018, it became clear there was a considerable number of MPs also with constituents who had lost family members abroad (murder and suspicious deaths) but also family members who were imprisoned and tortured and who faced the same bewilderment about where to turn for support.

It is bad enough when someone dies or is imprisoned in the country in which they live, but when the same happens overseas the family left behind must navigate a foreign legal system, a language they do not speak, a foreign police force, unfamiliar geography, insurance issues, costs of travelling to the country of death or imprisonment to collect the body of their loved one or to visit them in prison and media intrusion: these are just some of the harrowing and deeply traumatic things families have to deal with in the immediate aftermath of their loved one dying abroad.<sup>2</sup>

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<sup>1</sup> <https://www.newstatesman.com/politics/uk/2018/03/women-who-died-abroad-and-families-still-waiting-find-out-how-it-happened>

Unlike many other APPGs in the House of Commons, we have no secretariat or funding. The evidence gathering process and drafting of the report has been led by my team - Stephanie McTighe, Michelle Rodger, Marcus Woods, Chloe McLellan and Sarah Madden – who have been awe inspiring and I owe them a huge debt of gratitude.

We have met or spoken with around 60 families from across the UK. We have had a window into their tragedy, pain, injustice and devastation. To say it was emotional does not go nearly far enough; my team and I found the process upsetting and incredibly difficult to hear so we cannot imagine how these families felt and continue to feel each day. On numerous occasions we listened in disbelief as grieving parents or spouses told us about horrific events, feeling lost and abandoned and simply hoping for a kind word from someone who could help them.

This report is for them. This work is for them. It is in memory of the love and lives they have lost. We know nothing we say or do will return that to them. Every single family with whom we spoke was clear that they were giving evidence not for them, because it was “too late”. Instead, they came forward in a bid to ensure that in the future, other families do not have to experience the depth of despair that they have in their crusades towards justice. We also know of some families who were too broken to come forward, and there will be many many other families who found the process too damaging and simply gave up. For all of them, I hope this report covers some of the recommendations they would hope to see.

This report is the start of a campaign that we all commit to for as long as I am a parliamentarian and hopefully beyond. It will be a roadmap for change.

The APPG has spoken to around 50 third party organisations, government departments and NGOs including the support services into which the government puts money and faith to provide this support. This is not about any one agency, whether governmental or third party, it is about ensuring a collaborative approach.

Many changes are needed. Some of it requires legislation, for example a legal right to consular services which surprisingly, British citizens do not currently have. Mostly, it is about changing behaviours and processes, creating a protocol that government departments, the police, victims support, airlines, airports, holiday companies, the insurance and legal sectors can work to.

We owe it to these families and the loved ones they lost to learn lessons and make common sense and necessary changes.

Their testimony is compelling and makes a cast iron case for improvement. No one should be under any illusion that this is a “blame game”. This is about doing what is right and acting with compassion as fellow human beings, something that is sporadic at best in these cases. A family should not be “lucky” as victims of a crime or indeed where no crime is proven or can easily be proved and I am making a heartfelt appeal to all agencies and organisations to thoughtfully consider and meet the needs of the families who experience what is described in this report.

For that reason, the report aims to use the voices and experiences of the families, and I would like to pay testimony to their bravery.

*Hannah Bardell*

**Hannah Bardell MP**

Chair, APPG on Deaths Abroad, Consular Services and Assistance

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## Executive summary

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The APPG met and took evidence from around 60 families and a similar number of third party organisations in sessions and meetings in Westminster and in Scotland. A number of these sessions were filmed and details from all families compiled and curated. Some families preferred to provide their evidence in writing.

The evidence from third party organisations we spoke to highlighted a constant challenge with lack of resource – both people and funding – and with lack of consistency of contact and communication with the Foreign and Commonwealth Office (“**FCO**”).

Generally when something goes wrong overseas, families contact the FCO as their first port of call. The assumption is that your country, that you have paid taxes to all your life, will step in and assist you in your hour of need. From the evidence we have received it seems in most cases quite the opposite is true and this is not the time when people should learn how the system really works.

Bereaved families shared with us their traumatic experiences, which highlighted areas where improvements could be made to help families in the future who experience the death of a loved one abroad.

The former Minister (Harriett Baldwin MP) was invited to attend several of the evidence sessions to hear from the families directly but offered instead to come and give a presentation on consular policy.

Foreign holidays are generally more accessible and cheaper nowadays. The FCO emphasises that people should take out comprehensive travel insurance and take responsibility for themselves when leaving the UK. That point in itself is valid and not in dispute. However, as one family told us “**comprehensive travel insurance does not exist**” and former Victims Commissioner for England and Wales, Baroness Newlove added that comprehensive travel insurance cannot cover all eventualities. Travel insurance is a medical product and of course, if more people had travel insurance that would have the effect of relieving the pressure on the FCO when things go wrong. However, that in itself is not enough and we implore the FCO to raise their heads and look at this issue in its wider context.

It is fair to say that most families contacted the FCO as their first port of call upon learning their relative had died or was imprisoned abroad. There were a number of similarities in experience of dealing with the FCO, foreign judiciary and legislators, police, insurance companies, airports and airlines. Each of these organisations touches a bereaved family at some point during their journey to identify, repatriate, and fight for justice for their loved ones, and for each of these organisations there is a clear opportunity to improve services in order to provide the most compassionate and comprehensive support.

Many problems arise in the first 48 hours after a loved one dies abroad, although protocols do exist. There are inconsistencies with reporting a death in terms of who

reports it, when and by what method of communication (e.g. telephone, visit to the house).

The staff rotation system in place within the FCO means there is no consistency of support and understanding of a family's case; this leads to the family having to relive the horrific facts over and over again as they explain their situation to new caseworkers, often causing secondary victimisation. Such turnover also eliminates legacy knowledge, leaving the department without the depth of experience necessary to properly support families.

Concerns have also been expressed by families and third party organisations over the conflict of interest faced by the FCO; the responsibility for diplomacy and foreign relations appears to take precedence over the needs of UK citizens when something goes wrong in those countries.

There are also inconsistencies in whether a victim support person is appointed to the family, or a family liaison officer, and there are different rules for homicides that occur in the UK compared to abroad.

Sometimes families are referred to the Lucie Blackman Trust or Victim Support but often that is not happening, there is no clear and consistent signposting.

There are issues around the language barriers and the lack of translation services for families, which would certainly help to ease the difficulties experienced by families trying to understand autopsy or toxicology reports and even those trying to communicate with medical professionals and foreign policing and judiciary. There is also the additional burden that funding for translation is not always provided.

The FCO has been criticised by families for not having comprehensive and robust information and often simply handing them a list of lawyers with no details on their specialism or their ability to speak English (one family whose daughter died in suspicious circumstances abroad was represented by a conveyancing lawyer because he was the only one they could get with fewer than 12 hours before they had to attend court).

Additionally, some families are forced to resort to crowdfunding in order to pay for repatriation of their loved one's body, which is something no family should ever have to do. And there is no consistent procedure or level of support offered by travel agents and airlines/airports, with many distraught families getting on a flight with loud and excitable hen or stag parties whilst they travel to collect the body of their dead relative.

Over and above the distress of organising repatriation and liaising with funeral directors, there are problems with bodies coming home in different stages and funerals going ahead without all body parts intact.

Finally, there is a belief – and a real sense of frustration - amongst families and support organisations that much of this could already have been remedied, thus ensuring those bereaved after 2014 did not have to experience a similar situation to themselves.

They feel an opportunity to fix these issues was missed in the consular review back in 2014 and that families should not still be experiencing things such as the lack of communication, the lack of joined up support and a consistent and compassionate service.

A review of consular assistance<sup>3</sup> following murder and manslaughter cases overseas was carried out in 2014 by the Consular Assistance Department of the FCO. In the introduction to the review, published in January 2015, FCO Minister of State for Europe the Rt Hon David Lidington MP acknowledged that ***“the assistance we provide following murder and manslaughter cases was not always as supportive as we would have liked.”*** He added: ***“My hope is that those sadly affected by murder and manslaughter overseas will receive consistently excellent support as a result of this work.”***

But the fact is that the recommendations laid out – after consultation with bereaved families and friends – have not been implemented or have not gone far enough. Of the 36 recommendations (on access to services, the quality of information provided, the level of ability, knowledge and training of FCO staff, processes and structure, policy on how the FCO can help [and who] and their partners), only a handful appear to have been fully and effectively implemented (based on evidence given to the APPG by families with FCO experience since 2014).

Additionally, the recommendation to review policy on suspicious deaths to consider whether families should receive similar levels of support to families who have lost a loved one through murder or manslaughter has not followed through into positive action. It is a recommendation we will reiterate in this report, and emphasise the importance of widening support to include these families, who fall through the gaps and miss out on even the most basic level of service.

This report contains seven key ‘umbrella’ recommendations and a number of detailed recommended actions to deliver each, all of which are explained fully, and all of which have come directly from the families and organisations that gave evidence. Some are relatively quick fixes (such as improving communications, using appropriate language and clarifying guidance around the support British citizens can expect abroad), while others will require either legislation (in order to enshrine in law the right to consular assistance or change the law on Criminal Injuries Compensation to give parity to families whose loved ones die abroad with those in the UK) or entirely new partnerships, processes and training. All of them will go a long way to ensuring that bereaved families get the support they need, when they need it.

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<sup>3</sup> Foreign and Commonwealth Office, Consular Assistance Department (2015), “Review of Consular Assistance Following Murder and Manslaughter Cases Overseas”. Available at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/396496/FCO\\_review\\_of\\_consular\\_assistance\\_following\\_murder\\_and\\_manslaughter\\_cases\\_overseas.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/396496/FCO_review_of_consular_assistance_following_murder_and_manslaughter_cases_overseas.pdf)



## Recommendations at a glance

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### Recommendation 1

- 1.) All relevant government departments, agencies, services and third party organisations must recognise secondary victimisation and adopt a ‘trauma-informed’ approach to protect and support families traumatised overseas and consular policy must be extended to recognise the same**
- a) All relevant government departments, agencies, services and third party organisations must ensure compliance with the intention behind the Victims’ Directive to “*minimise difficulties victims in another Member State than their own*”<sup>4</sup> have when they are vulnerable and in need of assistance
  - b) That the SVC is extended to include families such as those discussed in this report and that the Victims’ Code be extended in England and Wales to cover the families discussed in this report.
  - c) That the FCO’s MMT and other government staff dealing with bereaved families and trauma overseas become party to the Victims’ Code
  - d) That training on secondary victimisation is delivered within but not limited to the FCO’s MMT, other staff dealing with trauma and agencies it funds to prevent this being caused
  - e) That government departments and support agencies recognize that families bereaved abroad (not just as a result of a crime) need the same or similar supports to those who have been victims of a crime
  - f) That the FCO ensures proper staff ‘trauma-informed’ training as soon as possible including on human compassion, attitude, communication and language to prevent secondary victimisation and enable staff to provide psychosocial support
  - g) That VSHS becomes party to the Victims’ Code in England and that VSS becomes party to the Scottish Victims’ Code
  - h) That the FCO introduces a culture of openness, clear communication, transparency, kindness and empathy and initiates a culture of proactively trying to help families
  - i) That the FCO provides families with a face to face meeting with an experienced member of FCO staff in London at the outset of a traumatic event overseas and to discuss the matter in detail
  - j) That proper notes are made of cases; that families are allocated a caseworker of sufficient experience for the complexity of the case; that families are informed when their caseworker is moving on and introduced to the new one; and that staff changes at the FCO involve proper handovers so that families are not repeatedly explaining their experiences from the beginning each time to avoid secondary victimisation
  - k) That the MMT is permanent and not rotational

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<sup>4</sup> European Parliamentary Research Service (2017) *Victims Rights Directive 2012/29/EU*, p. 43 “Intervention logic – Rationale for EU action”. Available at [http://www.europarl.europa.eu/RegData/etudes/STUD/2017/611022/EPRS\\_STU\(2017\)611022\\_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2017/611022/EPRS_STU(2017)611022_EN.pdf)

- l) That the FCO provides detailed and geographical guidance on repatriations and inquests i.e. 'no body no inquest' is understood by staff so that information can be passed on in an accurate and timely manner
- m) Where an inquest is opened by a coroner the FCO has an obligation to provide active assistance to the coroner, who may be seeking answers from the country of death
- n) That the relevant agencies in Scotland should meet to discuss whether the existing FAI legislation should be brought more in to line with coronial system and inquests
- o) That the FCO changes its language so that it no longer refers to citizens as "customers"
- p) That the duty of care to FCO staff is recognized internally and vicarious trauma training provided alongside access to proper support/ counselling for staff
- q) That the Data Protection Act is not quoted indiscriminately (common sense must be applied) and that a review is undertaken internally at the FCO of how the DPA is used
- r) That the FCO reviews the recommendations made in 2014 by the Foreign Affairs Committee in its review of consular services are re-visited in addition to these recommendations
- s) That the Prime Minister and the Foreign Affairs Minister ensure that these recommendations are duly considered and implemented

## **Recommendation 2**

- 2.) Special attention must be paid by the UK, Scottish and other devolved governments to suspicious and unexplained deaths abroad and a process created to close the significant gap in the support currently provided**
  - a. The UK Government makes a special provision for cases of suspicious and unexplained deaths so that they are not handled by general country casework teams within the FCO thus ensuring families are treated as victims and receive support e.g. That the FCO and MoJ work together by creating a joint unit similar to the Forced Marriage Unit (which is Home Office/FCO) and revisits its plan from 2015 to establish an Access to Justice Unit for suspicious and unexplained deaths abroad that sits within the National Crime Agency where there is access to International Liaison Officers for SIOs to consult in complex cases
  - b. That the UK, Scottish and devolved governments work with insurers to create a specialised provision for funding e.g. an evidence gathering process/legal investigation in the country of death, in cases of suspicious or unexplained deaths abroad ensuring families are not relying on crowdfunding
  - c. That CICA is extended to deaths that occur overseas
  - d. Launch the 'Pearson-Maxwell Protocol' to fund support for families bereaved by deaths abroad including for repatriation, translation of documents and emergency travel
  - e. That the FCO/MoJ makes victim support referrals as standard in cases of suspicious and unexplained deaths

- f. That the commitments made in January 2015 by the then Foreign and Commonwealth Minister of State for Europe, Rt Hon David Lidington MP be revisited jointly by the FCO and MoJ
- g. That the FCO publishes the outcome of the review it asked the AJU to carry out in 2015 regarding the policy on suspicious deaths and support for families
- h. That SIOs are appointed in suspicious deaths cases from day one
- i. That the NPCC and Police Scotland meet to discuss and agree a consistent approach for families bereaved abroad which would offer them more support than they have at the moment, specifically the provision of an SIO and/or FLO
- j. That the UK, Scottish and devolved governments deal with murder/manslaughter; suspicious/unexplained deaths; missing/suspected dead; and imprisoned cases consistently and in line with victims of a terrorist attack

### **Recommendation 3**

#### **3.) Clarify the guidance around consular assistance; enshrine in UK law the right to consular assistance for all British nationals and create a separate department/agency for protection of British citizens distinct from that which currently works on diplomacy and trade relations**

- a. That the FCO clarifies and publishes its guidance around consular assistance as a matter of urgency and commits to making proper improvements around consular assistance. Specifically, it should revise, re-evaluate and thoroughly update the current policy on consular assistance, with the aim of achieving an accessible, clear and well-publicised policy that puts victims and their families at the heart of consular assistance.
- b. That the FCO stops advising the media it is providing consular assistance to families as standard
- c. That in the spirit of transparency the FCO publishes as a matter of priority its internal guidance about how it decides who is entitled to consular assistance, what criteria are considered, how vulnerability is assessed and what forms consular assistance can take.
- d. That the FCO works more closely with families to inform them when they are being assessed. Similarly, when the FCO tells the media it is providing consular assistance, it ensures the family understands what that means by explaining to them specifically what assistance is being provided
- e. That the FCO changes its commitment in “aiming” to offer assistance by committing to offer assistance (see recommendation 4)
- f. That parliamentarians enshrine in UK law the right to consular assistance for all British nationals
- g. That the Scottish Parliament considers a bill to enshrine the legal right to consular assistance for Scottish citizens
- h. That the APPG works closely with the BRAG campaign and that the UK, Scottish and devolved governments engage with the issues being raised
- i. The FCO creates a dedicated unit that is not responsible for international trade and economic interests to address the potential conflict of interests between negotiating trade deals and advocating for UK citizens

## Recommendation 4

### **4.) That the UK, Scottish and other devolved administrations, NPCC and Police Scotland and the FCO improve practical support for families by committing to consistent signposting to relevant agencies and establishing new relationships with specialist support organisations**

- a. That a clearly defined practical process is put in place by the FCO to assist families from the point of notification of death or imprisonment onwards
- b. That the government departments (usually the FCO) being contacted by traumatised families must better communicate the practical support that is on offer to those who need to access it and that staff discuss the support agencies as a matter of course, rather than directing people sporadically or waiting for the victims to say what they need
- c. That the FCO takes the lead co-ordination point between the support agencies and family up until such point as a family is embedded with the support network
- d. That where necessary, the FCO ensures someone guides families through the process, making calls on their behalf if necessary
- e. Where a family plans to travel, the FCO / police must communicate to the police at the airport of departure in the UK that a family plans to travel to the country of death/imprisonment, in order to ease their journey
- f. That details of the enhanced funding and support for bereaved families as announced by the Ministry of Justice are published and communicated
- g. Transparency by government departments about who they fund and for what and a process is implemented for measuring the outcomes
- h. That where the FCO is funding other organisations such as the LBT and VSHS to provide assistance, it ought to commit to consistent signposting not only for murder and manslaughter victims but for the other families who face trauma abroad
- i. That the UK, Scottish and devolved governments commit to widening the base of experienced individuals and agencies to assist families and establish new arrangements, processes and collaborations to ensure that all angles are covered. Specifically, we recommend a roundtable involving all relevant stakeholders including but not limited to: the UK and Scottish Governments; FCO; MoJ; Home Office; Department for Transport; NPCC; Police Scotland; Coroners' Service; Death Certification Review Service; Scottish Fatalities Investigation Unit; Airport Police; APIL; PEOPIIL and the APPG to agree new collaborations
- j. Post-Brexit, stakeholders (above at 4i.) convene to address the inconsistencies in interventions in foreign jurisdictions
- k. That DCRS accepts requests from families bereaved abroad by murder, manslaughter, in suspicious or accidental circumstances for translation of documents
- l. That police in the UK are given more of a role in assisting families by providing an appointed SIO and FLO to act as a local point of liaison between the family and consular officers
- m. That the UK, Scottish and devolved governments consider the idea of setting up an international cadre with police, lawyers and appropriate forensic support to allow these international matters to be properly dealt with on a UK wide policy

basis and that a meeting is arranged with the APPG to discuss how it would work

- n. That the FCO takes feedback from families about good lawyers overseas and adds them to a new improved list of English-speaking lawyers for each legal jurisdiction, which includes their specialism
- o. That the UK, Scottish and devolved governments and the FCO meet with APIL, PEOPIL and the Law Societies of England and Wales and Scotland respectively to discuss referral of families
- p. That a process is put in place by the FCO and police whereby airport police are informed of the travel plans of any family wishing special airport assistance when they plan to fly to the country of death.
- q. That IATA and the wider travel sector explore how an IATA code would work and who would lead on implementation.
- r. Create a new collaboration between government departments with and within the travel sector to create a seamless support for families travelling when bereaved abroad
- s. That where government departments are funding support organisations, they make clear that appropriateness of language and staff training is crucial and that they adopt a trauma-informed approach to avoid secondary victimisation
- t. That support should be available to families affected by all types of trauma overseas and should not be meanstested

## Recommendation 5

### **5. Government departments, public bodies, agencies and services across the UK must communicate effectively while supporting families, and communicate with each other out with that process to ensure joined up working and an ongoing drive for service improvement**

- a. That a family's journey from notification of death onwards be carefully mapped to ensure individuals at all points of contact have the correct training, information and support to take the very best care of the bereaved family
- b. That communication to deliver a death notification takes into account the speed of the online news cycle and social media
- c. That the FCO addresses the dissemination of information internally, ensuring that London is joined up with the foreign posts and the call centre operations.
- d. That the findings of this report be used to feed into the MMT's journey-mapping process to address the cracks in the supports available
- e. That the new service, 'Families Bereaved by Crime', in Scotland is extended to include families bereaved abroad by murder, manslaughter or in suspicious circumstances where there is a suggestion that a crime has been committed. The APPG would also recommend that this service is available to families bereaved overseas in cases where there is no evidence of criminality.
- f. That the UK and Scottish Governments, alongside the victim support agencies, adopt international best practice
- g. That the VSHS links in with VSE and VSA (when it is established)
- h. That the VSS continues to link in with VSE and links in with VSA (when it is established)
- i. That a reporting obligation is introduced to ensure that relevant UK and Scottish police are informed by the FCO of a death abroad, not by natural causes

- j. That families are notified of the MoU as standard at the same time as notification of death
- k. That the MoU remains unchanged and in force until the FCO has seen the evidence and recommendations made in this report
- l. That other government departments, agencies and charities commit to the MoU
- m. That consequences of GDPR rules looked at in the context of this work
- n. That the FCO organises an annual event/conference between the various support agencies to which it outsources support and other relevant parties including VSH, VSS, VSE, the police, Murdered Abroad, DAYNA, Redress, the ABI, ABTA and the AOA, to ensure cross-party working and open communication.

### **Recommendation 6**

**6.) That the UK and Scottish Governments recognise the importance of peer support and ensure this is introduced as soon as possible with referrals to specialist peer support groups**

### **Recommendation 7**

**7.) That the UK, Scottish and devolved governments with the insurance and travel industries to create a comprehensive, collaborative education campaign about travel insurance**

- a. That the FCO publishes the outcome of the review on what they could provide loans for
- b. That the insurance sector work with government and the travel industry to educate people on the risks of travelling abroad and the benefits of travel insurance
- c. That the insurance sector raise awareness of the different standards of insurance and the potential implications of bargain basement policies including the terms under which a payout will be withheld
- d. That the UK and Scottish Governments, the FCO, the DfT and the insurance sector convene a roundtable to discuss the feasibility of mandatory trauma travel insurance
- e. Expanding CICA to families who are victims of deaths abroad as a result of murder, manslaughter, suspicious or accidental death abroad
- f. That comprehensive trauma counselling for families bereaved by a death abroad is provided by insurance policies or means where no insurance is in place
- g. That the UK, Scottish and devolved governments convene a meeting with the insurance and travel industries to explore setting aside a fund for these emergencies including repatriation, translation, travel for attending court in a foreign jurisdiction to name but a few necessities, similar to the terrorist fund
- h. That an education campaign around travel insurance encourages people to leave insurance details with their family before they travel and that they leave their mobile phone's IMEI number before they travel
- k. That the UK, Scottish and devolved governments make arrangements so that where there is no insurance in place, they pay the costs of repatriation etc and

where there is insurance, they pay the costs and then claim back from the insurance companies, in a similar manner to the system in place around EHIC

### **Recommendation 8**

#### **8. That a pilot scheme is explored between Scotland and Spain, which implements and tests the “Pearson-Maxwell Protocol” and the role of the media is scrutinised**

- a. That the relevant government departments, agencies and organisations get together, along with the APPG and families to decide on and facilitate a collaborative pilot scheme between Scotland and Spain.
- b. That IPSO meets with the APPG
- c. That the FCO and victim support agencies create guidance and offer – where required – hands-on support for families to help them deal with both positive and negative media.

## Recommendations in full:

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### Recommendation 1

**All relevant government departments, agencies, services and third party organisations must recognise secondary victimisation and adopt a ‘trauma-informed’ approach to protect and support families traumatised overseas and consular policy must be extended to recognise the same**

The first 48 hours after notification of a death abroad are crucial; the family is in an horrific situation and at this stage all interactions will impact how they will be affected by the trauma. From the point of notification to the family travelling to the country of death and engaging with embassy representatives, lawyers, the police and medical professionals amongst others, expectations of support from the UK government – and in particular the Foreign and Commonwealth Office (“**FCO**”) - are high.

A good experience will certainly ease the burden of dealing with the death of their loved one and the processes and procedures they are required to endure. But when they experience little or no support the damage can be irreparable and can contribute to secondary victimisation (“*victimisation that occurs through the response of institutions and individuals to the victim.*”<sup>5</sup>) and post traumatic stress.

In many cases the families left behind are victims of a crime abroad and are more likely to suffer secondary victimisation due to barriers to navigating a foreign legal jurisdiction; language difficulties and problems accessing translation of documents; financial costs of travelling to the country for court procedures; and less willingness to help due to the complexities faced.

Without wishing to single out any one agency or government department, the evidence sessions revealed an overwhelming number of comments about the FCO in London, most of which were negative. There were a number of comments about lack of compassion and human empathy; poor communication; poor knowledge of the job; lack of attention to detail (however basic, e.g. getting bereaved names wrong); and an all round lack of professionalism e.g. making commitments to return calls or emails and then failing to follow up as promised. On the basis of the evidence heard, the APPG focused some of its meetings around finding out more about the FCO’s workings.

The APPG spoke with the British Red Cross and learned that its psychosocial support team has had a contract with the FCO for 14 years. Members of this team are deployed overseas to help British nationals caught up in emergency situations such as earthquakes, fires, floods, mudslides and terrorist attacks. These staff are “trauma-informed” and the importance of psychosocial support in the aftermath of a traumatic

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<sup>5</sup> European Crime Prevention Network (2016). *EUCPN Toolbox Series No. 7: Preventing Secondary Victimization policies and practices*. Brussels: EUCPN Secretariat. p.9 Available at: [https://eucpn.org/sites/default/files/document/files/toolbox\\_vii\\_-\\_final.pdf](https://eucpn.org/sites/default/files/document/files/toolbox_vii_-_final.pdf)



event is recognised, with moves being made at an international level to include a focus on mental health and psychosocial support in all humanitarian responses.<sup>6</sup>

As the British Red Cross explained to us, psychosocial support does not require highly qualified professionals. Rather, it is about helping people in shock to manage, e.g. by inviting them to focus on one task each day and managing people's very variable and extreme reactions. There were clear examples given of this approach when working with victims of the London Bridge attack. In its words "*psychosocial support is the most important in the hours and days following the traumatic event.*"<sup>7</sup>

Whilst it is welcome that support is provided in the event of a mass terrorist attack or other large scale disaster, our concern is for those families who are struck by trauma on an individual basis. A murder, manslaughter, suspicious or accidental death abroad is no less traumatic when it is an individual victim rather than a group. Yet, the resources on offer do not appear to be as available.

The FCO set up the Murder Manslaughter Team ("**MMT**") in January 2015 on the back of much campaigning by victims bereaved overseas and recommendations made by the Foreign Affairs Committee.<sup>8</sup> Whilst that team claims to be adequate in terms of consular policy, the APPG would argue that it is not and that consular policy does not go far enough; from hearing evidence from bereaved families it is clear more needs to be done to support them. It is our contention that the service provided by the MMT should be the very basic offered to all.

If bereaved families are victims of a crime outside the UK, the UK nevertheless ought to have a duty to those people. It cannot be right that to be killed by a terrorist invokes support for the family but to be brutally murdered by a common criminal invokes none. This discrepancy in treatment can in itself have further negative consequences for the families involved causing secondary victimisation. What these families have in common is that they are all victims, whether bereaved by a terrorist or individual attack, in the UK or overseas. However, the definition of 'victim' is narrow.

The [EU Victims' Directive 2012/29/EU \(the Victims' Directive\)](#)<sup>9</sup> is a European Union directive which required EU member states to implement the provisions into their national laws by 16 November 2015. The Code of Practice for Victims of Crime, commonly referred to as "**the Victims' Code**" is the main mechanism used to transpose this legislation into law in England and Wales. This is the document that sets out the minimum level of service that victims should receive from the criminal justice system in England and Wales.

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<sup>6</sup> Call with British Red Cross, 28 March 2019

<sup>7</sup> Call with British Red Cross, 28 March 2019

<sup>8</sup> House of Commons Foreign Affairs Committee (2014). *Support for British nationals abroad: The Consular Service. Fifth Report of Session 2014-15*. Available at: <https://publications.parliament.uk/pa/cm201415/cmselect/cmfaff/516/516.pdf>

<sup>9</sup> Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA

The Victims' Directive establishes minimum standards on the rights, support and protection of victims of crime<sup>10</sup> and ensures that those who have fallen victim of crime are recognised and treated with respect. They must also receive proper protection, support and access to justice. One of the reasons the Victims' Directive was established was to “**minimise difficulties victims in another Member State than their own**”<sup>11</sup> have when they are vulnerable and in need of assistance.

Scotland has its own Victims' Code (“**SVC**”) which similarly sets out the right to minimum standards of service from criminal justice agencies. This includes the right to “**be protected from further victimisation, intimidation and retaliation during and after the investigation and proceedings**”.<sup>12</sup> Repeat victimisation is referred to more than once in the SVC and this idea of repeated or secondary victimisation is one which the APPG has heard much about during its evidence gathering. However, secondary victimisation is not widely known about or discussed.

Whilst the term ‘secondary victimisation’ is not defined in the Victims' Directive, the European Crime Prevention Network which was set up to promote crime prevention knowledge and practices among the EU Member States<sup>13</sup> has introduced a number of policies:

Toolbox 7 – ‘Preventing Secondary Victimization - policies & practices’ states:

**“Secondary victimisation, which means the victimization of victims by government officials after a crime has occurred, is not an overly known phenomenon. However, it is important to focus on this phenomenon, because**

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<sup>10</sup> Article 2 (1) of the directive defines a victim as: a natural person who has suffered harm, including physical, mental or emotional harm or economic loss which was directly caused by a criminal offence; or a family members of a person whose death was directly caused by a criminal offence and who have suffered harm as a result of that person's death. This definition applies to all victims regardless of their residence status, and regardless of the crime that affected the victim (covering both violent and non-violent crimes and ranging from general offences to terrorism, human trafficking and to road traffic victims where there has been a crime).

;According to the Assessment, “*The Fundamental Rights Agency (FRA) recognised that while this definition of a victim was adopted at the EU level to place the victim at the centre of the criminal justice system, Member States still vary in the way victims feature in the judicial system. The FRA identifies three models adopted by Member States: 1. Treat the victim as a witness (the FRA cites Ireland and the UK as examples). 2. Address the damage done to victims and award compensation (the French partie civile is an example) 3. Recognise victims as rights holders (the directive is an example of this model, as are the Austrian and German judicial systems).*”<sup>10</sup> Therefore, it is interesting to see that the UK treats victims primarily as witnesses, rather than as rights holders.

<sup>11</sup> European Parliamentary Research Service (EPRS) (2017). *The Victims' Rights Directive 2012/29/EU. European Implementation Assessment*. P. 43 “Intervention logic – Rationale for EU action” Brussels: EVAL. Available at: [http://www.europarl.europa.eu/RegData/etudes/STUD/2017/611022/EPRS\\_STU\(2017\)611022\\_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2017/611022/EPRS_STU(2017)611022_EN.pdf)

<sup>12</sup> The Scottish Government (2018). *Victim's Code for Scotland*, p. 3. Edinburgh: Crown. Available at: <https://www.mygov.scot/victims-code-for-scotland/victims-code-scotland.pdf?inline=true>

<sup>13</sup> <https://eucpn.org/about-us>

***the nature of a criminal act leaves a victim vulnerable and in need of assistance.”<sup>14</sup>***

Similarly, the Victims’ Directive European Implementation Assessment, European Parliamentary Research Study 2017 (the “**Assessment**”) stated that secondary victimisation:

***“...could include for instance not recognising and treating the victim in a respectful manner or approaching the victim in an insensitive or unprofessional manner that may further traumatise the victim.***

***Avoiding secondary victimisation also includes the need to avoid repeat interviews of the victim through multiple professionals in order to limit further traumatic accounts of a crime.”<sup>15</sup>***

Consultant clinical psychologist and expert witness David Trickey told the APPG: ***“If you have to retell your story to the police, the FCO or other organisations it can exacerbate trauma. It triggers the memory in a less secure setting and the person receiving the information often does not have the qualifications or capacity to deal with it. This is really damaging for families.”<sup>16</sup>***

He gave the example of one family he spoke with who said the person they met actually put an egg timer on the table and said they have an hour.

This real and obvious need to protect victims from secondary victimisation was also made clear when the APPG spoke with Victim Support Europe (“**VSE**”).<sup>17</sup> The needs of victims include emotional, practical and legal support as well as a need for access to justice, compensation and restoration.<sup>18</sup> These supports will often be much more difficult to access where the crime has occurred outside the UK and even worse, if the death is suspicious there are a number of gaps that families will fall through as they may not be treated as “victims of a crime”.

Taking those points in turn, the SVC makes provision for the protection of ‘rights of victims of offences committed in another EU member state’<sup>19</sup> and it also makes provision for victims in certain circumstances to claim loss of earnings and reasonable expenses such as air travel and overnight accommodation. The APPG is concerned that this does not appear to extend to families such as those discussed in this report, creating a discriminatory two-tier system for victims. The APPG therefore recommends

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<sup>14</sup>European Crime Prevention Network (2016). *EUCPN Toolbox Series No. 7: Preventing Secondary Victimization policies and practices*. Brussels: EUCPN Secretariat. Available at: [https://eucpn.org/sites/default/files/document/files/toolbox\\_vii\\_-\\_final.pdf](https://eucpn.org/sites/default/files/document/files/toolbox_vii_-_final.pdf)

<sup>15</sup>European Parliamentary Research Service (EPRS) (2017). *The Victims’ Rights Directive 2012/29/EU. European Implementation Assessment*. P. 25. Brussels: EVAL. Available at: [http://www.europarl.europa.eu/RegData/etudes/STUD/2017/611022/EPRS\\_STU\(2017\)611022\\_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2017/611022/EPRS_STU(2017)611022_EN.pdf)

<sup>16</sup> Call with consultant clinical psychologist and expert witness David Trickey on 10 October 2019

<sup>17</sup> Call with Levent Altan of Victim Support Europe on 16 May 2019

<sup>18</sup> Call with Levent Altan of Victim Support Europe on 16 May 2019

<sup>19</sup> The Scottish Government (2018). *Victim’s Code for Scotland*, p. 9. Edinburgh: Crown. Available at: <https://www.mygov.scot/victims-code-for-scotland/victims-code-scotland.pdf?inline=true>.

that the SVC is extended to include families such as those discussed in this report. Similarly in England, relatives of people murdered abroad are not currently covered by the Victims' Code<sup>20</sup> and the APPG recommends that the Victims' Code be extended in England and Wales to cover the families discussed in this report.

Notably, there is no mention whatsoever in the Victims' Directive of suspicious or accidental deaths, which are of considerable relevance to this report and which we know from our experience leaves those families with even less support or none whatsoever.

Clearly many families are not treated as victims, due in part to the fact that the death is not always the result of a crime, but families are nonetheless experiencing trauma, and should be treated as such.

According to a consultant clinical psychologist and expert witness David Trickey<sup>21</sup> from whom the APPG took evidence: ***“One way of considering reactions to traumatic events, is to think about the diagnosis of Post-Traumatic Stress Disorder (PTSD). In order to be diagnosed with PTSD, people need to have experienced a potentially traumatic event and then have various symptoms.*”**

***“Diagnostic manuals define what events are considered to be extreme enough to cause PTSD. Even though this definition is considered to be quite extreme (many people will be traumatised by less extreme events), if the death was violent or accidental, the experience of families bereaved abroad would be considered extreme to fulfil that criteria of the diagnosis.”***<sup>22</sup>

In other words, a death abroad, even if it were accidental, would be seen by the psychology profession as extreme enough to qualify as PTSD.

Mr Trickey also highlighted a report into the risk factors for PTSD in adults, which found that subsequent stress (i.e. what happens after the event) is more closely related to a person's PTSD than the severity of the event itself.

That is a powerful assertion by the psychology profession and one that is crucial to understanding why families are being failed in the UK. The processes currently in place only recognise trauma as the result of a crime and not how the treatment by agencies and government departments compounds trauma. Simply placing duties of care on criminal justice agencies does not go far enough. In reply to one mother's plea for help following the death of her daughter in France, the FCO's response was: ***“I am sorry the systems have not flexed enough to provide you with the support that you need...”***<sup>23</sup>

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<sup>20</sup> Independent Victims Commissioner for London, Claire Waxman (2019), *Review of Compliance with the Victims' Code of Practice (VCOP)*. Available at

[https://www.london.gov.uk/sites/default/files/vcop\\_final\\_pages.pdf](https://www.london.gov.uk/sites/default/files/vcop_final_pages.pdf)

<sup>21</sup> Call with consultant clinical psychologist and expert witness David Trickey on 10 October 2019

<sup>22</sup> This is not to say everyone will suffer from PTSD, reactions may vary. PTSD is just a helpful label that helps professionals measure people's reactions.

<sup>23</sup> FCO comment of 24 May 2018 seen in email from Brenda Lawson to APPG

During our evidence sessions, many families spoke of their bereavement in detail and it was clear to the untrained eye that they were experiencing trauma, in part because the evidence being heard was so moving and difficult to hear and in part because the pain can be heard in their voices and seen on their faces. Time after time, families reported having to re-live the enormity of what had happened by having to repeatedly explain their case to the FCO.

Sara and Martin Cotton whose son Luke died in Thailand said:

***“As far as the FCO is concerned, you have to ring them and you get a different person each time. You have to explain your story every time. You are grieving for your loved one and you have to explain how they died again and again. There’s no continuity at all within the FCO. You should be dealing with the same person all the way. There are lots of things that need to change. We won’t get justice for our children, but we don’t want other families to go through what we went through, we want them to get better service than we did.”***

Consultant Clinical Psychologist, David Trickey said:

***“It can be difficult to adjust to the death of a loved one. That adjustment can become more difficult if the death is by murder or manslaughter and the adjustment is further complicated if it happened abroad. Those of us involved in helping such families will not be able to “make it better”, but by listening carefully to the voices of those that we are trying to help, we may be able to avoid making it worse, and may even be able to make it “less bad”. In particular, having accurate appropriate information delivered sensitively can be very helpful in the adjustment.***

***“Following such a bereavement, even the previously familiar and relied upon things can seem incredibly unpredictable, so knowing what can be expected from whom can be particularly valuable, and clear guidance can make for consistent provision which takes away the further problems associated with different families receiving different levels of help.”<sup>24</sup>***

Interviewing Clare and Paul Haughey following the death of their son Charlie in Holland in 2019, their comments echoed precisely this point. Mr Haughey said: ***“the FCO was worse than useless and I say worse because it added stress and worry to the already existing traumatic experience. This was in stark contrast to the Amsterdam police who had clearly had ‘trauma-informed’ training using simple language and repeating what we needed to know.”*** They also told the APPG that it helped receiving calls from the Amsterdam Police at the time they said they would call, even if there was no update.

With the above in mind, it is no wonder there is upset and concern that government departments and others who have employees dealing with victims on a regular basis are not party to the Victims’ Code or ‘trauma-informed’. We met with representatives

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<sup>24</sup> Consultant Clinical Psychologist and expert witness David Trickey, Excerpt from Murdered Abroad Report (2011) *Who cares for the families?*, p.3, available at <https://static1.squarespace.com/static/5515d096e4b08ae213e43dce/t/57f375e929687fa677053b9c/1475573227583/Survey+Report+Final+March+2011+Who+Cares+for+the+Families.pdf>

from the Victims Strategy Unit within the Ministry of Justice (“**MoJ**”) who explained that whilst it is an MoJ statutory code, certain departments and organisations do not have to sign up to the Victims Code.<sup>25</sup> For example, the MoJ funds the Victim Support Homicide Service (“**VSHS**”) in England by grant, which has conditions attached, but VSHS is not obliged to sign up to the Code. Similarly, Victim Support Scotland (“**VSS**”) is not party to the SVC, although it is named in it. Most astonishingly though, FCO staff who are on the front line speaking with bereaved families, often in the most complex traumatic situations and in real-time, are not bound by the Victims’ Code.

During a meeting with Baroness Newlove, the former Victims’ Commissioner for England and Wales said she could not understand why the FCO’s MMT who come into contact with victims of those bereaved overseas are not required to be a party to the Victims Code.<sup>26</sup> Similarly, Claire Waxman, Victims Commissioner for London, in her recent Review of Compliance with the Victims Code recommended that:

*“Training ... cannot be optional if victims are to be at the heart of the criminal justice service. All statutory agencies included in the Code must make training on taking a trauma-informed approach to working with victims and the Victims Code of Practice a mandatory requirement for all staff who come into contact with victims of crime.”<sup>27</sup>*

The APPG would echo that recommendation and add that FCO officials dealing with bereaved families, including but not limited to the MMT, become parties to the Victims Code and receive ‘trauma-informed’ training. Based on the evidence we have heard, we would also recommend it is made a requirement that VSHS becomes a party to the Victims Code in England and VSS becomes a party to the Scottish Victims Code.

We recognise the added complexity that many families require victim support and ‘trauma-informed’ services in circumstances where there is no evidence of a “crime”.

It was clear from the APPG evidence sessions that these families are not being recognised as victims by any government department or agency. This is where many families fall through the gaps or are excluded from the systems in place, which are not fit for purpose as is apparent.

Worse still the treatment by the FCO is causing secondary victimisation. Many families used the word “nuisance” when describing how contact with the FCO made them feel.

Deborah Pearson, whose niece was killed in Israel, said: ***“The FCO made me feel like a nuisance... they didn’t notify me of any support organisations... We were increasingly fobbed off, and the staff at the FCO kept changing. There were basic failings, compounded by the issue of UK relations with Israel.”***

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<sup>25</sup> Meeting with Ministry of Justice, Victims Strategy Unit on 8 May 2019

<sup>26</sup> Meeting with Victims Commissioner for England and Wales, Baroness Newlove on 17 January 2019

<sup>27</sup> Independent Victims Commissioner for London, Claire Waxman (2019), *Review of Compliance with the Victims’ Code of Practice (VCOP)*, p.38. Available at [https://www.london.gov.uk/sites/default/files/vcop\\_final\\_pages.pdf](https://www.london.gov.uk/sites/default/files/vcop_final_pages.pdf)

Trudy Cowan, whose husband Russell was killed in Italy, said: ***“The FCO support could have been better in many ways. I felt like a nuisance, I would like to have been empathized with and advocacy offered on my families behalf.”***

Andrea McLaughlin, whose daughter Danielle was killed in India, said: ***“When I contacted the FCO I was a nuisance, I was offered platitudes and no real help or support.”***

Jeanette Rooney, whose mother Agnes died in France, said: ***“My mum had gone missing so I phoned the FCO and they told me to contact the local police, who came out straight away. The FCO gave me no information whatsoever. The attitude of the woman at the FCO was appalling, she made me feel like a nuisance.”***

Melanie Orzechowska, whose uncle Marino died in Doha, said: ***“We just feel like the FCO don’t care, they’ve no interest in assisting with the death of a British Citizen abroad. We feel like we are a burden to them, a nuisance, as though i am causing them a huge inconvenience, that we will hopefully go away if they keep responding with, “get a lawyer”.***

Similarly, Ella Goddard, mother of David who was killed in Equador, said: ***“I felt let down by the FCO in respect of the reaction... cries for help. It would be helpful if these duties could have been meeting... I only wanted a kind word.”***

We are not talking here about practical support (see recommendation 4 in relation to practical support), this is about proper training on trauma, including human compassion, attitude, communication and language.

Maryanne Beare, whose son Charles died in Sri Lanka, said: ***“Not to have my calls returned, emails ignored and promises not adhered to by the FCO has added to my anxiety of being abandoned, hopelessness and frustration. I totally understand that the British consulate can only do so much regarding investigations but I also understand that they can do a lot more in helping to obtain information available to pass on to me.***

***“The learning here, despite my son being ‘just another case’ to the FCO, is that the department is dealing with human feelings and emotions; the point of contact in both the FCO and the British consulate are to whom the family looks for support – not to be frustrated by. It therefore needs individuals who have the sensitivity and the skill set to manage, communicate and deliver the hard and soft elements of a loved one being murdered.”***

Communications between the FCO and families must be improved. Regardless of what can and cannot be offered in terms of practical support, people need to be treated in the context of experiencing trauma and with compassion and kindness. They also expect a reply to emails and basic transparency. Whilst we appreciate the complexity of these cases - they are rarely straightforward - simply ignoring or avoiding correspondence is not good enough.

Mrs 'E', whose ex-husband was murdered in Belgium and didn't want to be named, said: ***"It was hugely traumatic, we were floundering around, to have someone who would answer an email would be a huge help."***

Matt Searle of the Lucie Blackman Trust said: ***"Often we hear of families that spoke to someone 'really helpful' at the FCO but couldn't get through to them again. This is especially important as people rarely remember everything they need to ask or say in the first call – many thoughts come in after the initial discussion. But again, once past the call centre hurdle, staff are able to help."***<sup>28</sup>

Lehanne Sergison, whose aunt Christine Robinson was murdered in South Africa, said: ***"We were initially told that we would receive monthly updates but this has not been the case. I fully understand that justice cannot be achieved overnight but we are nearly five years down the line and it has only been because of my persistence that the FCO has continued to put pressure on the South African authorities."***

We know families contact the FCO regularly because they expect consular assistance (see Recommendation 3) therefore it would be most helpful if FCO staff would meet with them initially, listen to them and manage their expectations rather than simply fobbing them off as if they are a nuisance. By spending the time initially, it is likely that more time will be saved in the long run i.e. with complaints, freedom of information requests and so on but more importantly, the traumatic impact on the family of having to re-explain their situation will be minimised. We understand that sometimes there are five years or even more (in one family's case it is now 30 years) between the time of a death and a court trial, but the FCO should nonetheless maintain contact with a family in that time.

The APPG was informed of one family - wishing to remain anonymous - who upon receiving their FCO file under a freedom of information request, found handwritten on it: ***"How do we shut this man down"?***

More recently in 2018, one Member of Parliament was told by an FCO caseworker: ***"Why would we help this one family when there are many others who are asking for help?"*** This was in response to a request for help for a bereaved family following a suspicious death abroad.

That attitude is unacceptable and one that it is hoped is not institutional. Aside from being unprofessional, these scenarios show a lack of compassion and understanding on how to deal with traumatised families and as a result, they are causing families secondary victimisation. The APPG sees that there is clearly a need for 'trauma-informed' training for FCO staff including training around language, empathy and compassion.

Another issue identified was rotation of staff. Staff in the FCO generally move department every two years, which means there is a lack of consistency for families in the staff dealing with long-running cases and no retained institutional knowledge. When we started the APPG on Deaths Abroad, Samantha Elmes was the fourth head

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<sup>28</sup> Call with CEO of Lucie Blackman Trust, Matt Searle on 17 August 2018



of the MMT (which was established in 2015), she has just been replaced with the fifth head of the team in only five years.

The FCO knows that staff work on rotation therefore planning for this should be factored into their training. As VSE said to us:

*“For consular services, one main challenge is the movement of staff. Having continuity within the victims field is essential. Having understanding, knowledge and the trust of those victims takes time – and works better the longer someone has been there. So proper training is needed on what to do and what protocols to follow as even the most experienced of staff will need help to know what the right questions are to ask. If you think about the work of the FCO in its support role, as with a victims support organisation, you would need to do a needs assessment no matter who was coming in or out of the system so it was of high quality.”<sup>29</sup>*

Janet Southall, whose son Gareth died in Malaysia, said: *“When something like this happens you become virtually incapable of organizing yourself and you need support. I had six desk officers over a period of 50 months. There needs to be consistency. This would reduce anxiety and give assurance if you know who you will be dealing with, without lacking trust. There was a lack of empathy, they weren’t sympathetic to individual needs, and staff were moved on without letting us know.”*

The APPG recommends that families are informed when their caseworker is moving on and introduced to the new one. We recommend that proper notes are made of cases and staff changes at the FCO involve proper handovers so that families are not left explaining their experiences from the beginning each time thus avoiding secondary victimisation.

Additionally the APPG recommends that the MMT is permanent, and not rotational.

We know from the National Police Chiefs Council (“**NPCC**”) lead for family liaison *“lots of consular staff can be quite junior.”<sup>30</sup>* And rotating staff so frequently means that often inexperienced caseworkers are appointed. The APPG believes it is unfair to assign inexperienced or junior staff to excruciatingly harrowing and complex cases. It is also unfair to expect families to deal with someone who has not had adequate training e.g. answering questions around the complexities of repatriations and inquests. As the examples show, it is not only infuriating for people, it adds to their trauma at the time they most need to be shown kindness and support.

Harry Lindsay, whose son Christopher died in Spain, said:

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<sup>29</sup> Call with Levent Altan of Victim Support Europe on 16 May 2019

<sup>30</sup> Meeting with National Police Chiefs Council (NPCC) lead for homicide and family liaison Commander Stuart Cundy on 7 May 2019. A FLO is an investigator, they may be junior in rank but not junior in terms of their level of experience. They can also provide training to the British Red Cross – in fact, the Metropolitan Police invites the Red Cross in to speak to their FLOs. They also invite in undertakers to give advice as there are lots of hoops to jump through to repatriate a body.

***“The FCO advised us to go home straight away and take Christopher’s body back to the UK – but that was the worst thing we could have done. We should have gone to the police station where Christopher was found, we could have asked which policeman picked him up, which ambulance took him? But we had nothing. All their stories were the same. Had we stayed and asked the questions we could have taken it to court. The FCO was a complete failure for proper advice.*”**

***“When we did contact Spain it was to ask the hospital for my son’s clothes. We never got them back. They did send me a watch though – but it wasn’t Christopher’s.”***

Belinda Stephenson, whose sister Sarah Shields died in Spain, said:

***“We raised concerns about having my sister’s body repatriated, as her return was dependent upon the accused being extradited. The FCO advised Suffolk Police, during a conference call that, as there were no refrigeration/freezer facilities in Gran Canaria, Sarah’s body was deteriorating and she would be in no condition to be repatriated. This caused an incredible amount of distress to my family, and then we later discovered that information was in fact untrue.*”**

***“Our experience with the FCO still makes me angry to this day. The extra stress they caused my family is inexcusable. There needs to be better communication, consistency and truth.”***

It should be recognised that families who have been bereaved abroad will be in shock and will need detailed information about the next steps. There ought to be a plan made of what support can be provided and not, as has been the experience of many of these families, information in an email detailing what cannot be done to support them.

To simply be emailed a link to an 18-page guide on the role of the FCO in the aftermath of such a tragic event is unsatisfactory and people are not in a fit state to digest the information they need to know, meaning they risk missing information at crucial times e.g. on repatriation and inquests.

The APPG met with Stephanie Trotter OBE, President and Director of CO-Gas Safety. Mrs Trotter became interested in safety after her young son Alex was seriously injured at a residential activity holiday centre. She worked alongside Consumer Safety International (“**CSI**”) to improve safety on holidays. During her time with CSI Mrs Trotter came across some tragic cases where the family was desperate to repatriate the body of their loved one for burial, but lacked the funds to do so. In one case, the body could not be repatriated for about a year, was embalmed and kept at the funeral parlour in Spain while the family saved up the money for repatriation and burial.

***“Repatriation of the body is not just incredibly important to the family, but it is vital to establish the jurisdiction of the coroner in the UK to undertake an inquest, an investigation and post mortem,”*** she said.

The varying legal systems across the UK mean there are differences in how bodies being repatriated from overseas will be treated.

England and Wales operates a coronial system, which Scotland does not. In a meeting with the Head of the Chief Coroner's Office in England, he explained that coroners investigate certain kinds of death. They would not investigate in cases of death by natural causes, for example (whether the death occurred abroad or in England and Wales). Coroners can only exercise judicial functions over bodies physically present in their coroner area.<sup>31</sup> In other words, without a body, which in the case of a death abroad, is returned to England and Wales, there can be no inquest in England and Wales.

Unfortunately, the APPG heard from some families who were not informed of this 'no body no inquest' policy by the FCO when being notified of their loved one's death.

Maryanne Beare's son Charles died in Colombo, Sri Lanka. She said:

***"When discussing what I wanted to do with Charles' body, whether to repatriate or to cremate him in Sri Lanka, I felt rushed to make a choice as to what to do. As his next of kin, and having no funds, I was leaning towards cremation in Sri Lanka as the cheapest option. Luckily for me a lawyer friend told me about the 'no body no inquest' policy in England, so I was able to make the right choice and bring his body home – this policy should have been made very clear to me from the beginning."***

An inquest is a court hearing where the coroner makes determinations about who, where, how and why someone died. However, in the same way a family is, they are reliant on the FCO providing information from the country of death. Therefore the APPG recommends where an inquest is opened by a coroner the FCO has an obligation to provide active assistance to the coroner, who may be seeking answers from the country of death.

As Mr Trickey said: ***"Inquests can be incredibly therapeutic in many ways, so it is very important that families are able to make very well informed decisions about repatriation of the body, as this may have significant repercussions."***<sup>32</sup>

It is a point highlighted eloquently by the father of a victim, who spoke of the importance of a coroner's inquest in the UK; for the first time in 14 months, they were being told the detail of what had happened to their daughter Joanna and what the Home Office post-mortem revealed. Roger Parrish said: ***"As painful as it was to hear that there were marks on Joanna's wrists where she had been tied up and strangulation marks on her neck, I needed to be sure of the facts. I was hearing it in English, in a British Court and I believed that what I was hearing was the truth about what had happened to Joanna. You can handle the facts, it's the unknown which is most painful."***<sup>33</sup>

As James Parker, Head of the Chief Coroner's Office told the APPG: ***"A coroner can decide whether a post-mortem, including a second post-mortem is required and***

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<sup>31</sup> Meeting with Head of Chief Coroner's Office, James Parker on 13 August 2019

<sup>32</sup> Consultant Clinical Psychologist and expert witness David Trickey, Excerpt from Murdered Abroad Report (2011) *Who cares for the families?*, p.3, available at <https://static1.squarespace.com/static/5515d096e4b08ae213e43dce/t/57f375e929687fa677053b9c/1475573227583/Survey+Report+Final+March+2011+Who+Cares+for+the+Families.pdf>

<sup>33</sup> Murdered Abroad, Eve Henderson email dated 5 September 2019

***will decide this on a case by case basis. Since this is an independent judicial decision by the coroner, a post-mortem will not be automatic in every case.***<sup>34</sup>

A coroner will usually hold an inquest in England or Wales if the cause of death is unknown or if it was sudden, violent or unnatural.<sup>35</sup>

In Scotland, since the new Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016, the Death Certification Review Service (“**DCRS**”) has developed a standard operating procedure with the Scottish Fatalities Investigation Unit (“**SFIU**”) office of the Crown Office and Procurator Fiscal Service. This new legislation gives the Procurator Fiscal in Scotland the power to decide whether a Fatal Accident Inquiry (“**FAI**”) should be instigated in cases of fatal accidents and sudden, suspicious or unexplained deaths that have occurred overseas, where the person was normally resident in Scotland.<sup>36</sup>

In practice, this new legislation means that the DCRS now reports any traumatic deaths to the Procurator Fiscal, so that consideration can be given to an FAI. Similarly to England, a second post-mortem will not be automatic. In a meeting with David Green, Head of the SFIU, he told the APPG:

***“We will carry out a second post-mortem in Scotland where it is necessary and appropriate to do so. The decision is case dependent and is entirely made on the facts and circumstances as made known to us. The purpose of the second post-mortem is to determine the cause of death from a medical perspective. While in certain circumstances it may reveal or confirm criminality in other circumstances the post-mortem result may be neutral in that regard with criminality only able to be established from the circumstances surrounding the death.”***<sup>37</sup>

We spoke with Mr Green about the feasibility of doing second post-mortems on bodies being repatriated to Scotland as standard and he was very clear this would have unintended consequences. For example, most bodies being repatriated from overseas are elderly people who have died of natural causes. To automatically have post-mortems carried out would be completely unnecessary and cause alarm and upset to their families.

We know from Clare Haughey that she took comfort in the fact her son had had a non-invasive post-mortem in Holland. She said the possibility of a post-mortem was discussed with her when her son’s body was repatriated to Scotland, which she

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<sup>34</sup> Meeting with Head of Chief Coroner’s Office, James Parker on 13 August 2019. Mr Parker also said the Chief Coroner has recently published general Guidance for coroners on post-mortems and second post-mortems which can be found at <https://www.judiciary.uk/wp-content/uploads/2019/09/Guidance-No.-32-Post-Mortem-Examinations-including-Second-Post-Mortem-Examinations.pdf>

<sup>35</sup> <https://www.gov.uk/after-a-death/death-abroad>

<sup>36</sup> There are other conditions which have to be met including that the Lord Advocate: ‘considers that the circumstances of the death have not been sufficiently established in the course of an investigation in relation to the death; considers that there is a real prospect that those circumstances would be sufficiently established in an inquiry, and decides that it is in the public interest for an inquiry to be held into the circumstances of the death’. Available at

<http://www.legislation.gov.uk/asp/2016/2/section/6#section-6-3>

<sup>37</sup> Meeting with Head of Scottish Fatalities Investigation Unit, David Green on 10 May 2019

refused. She said: ***“I would have been traumatised if that had happened as a matter of course.”***<sup>38</sup>

As a result of some differing views around the coronial process compared to the FAI legislation, the APPG believes the relevant agencies in Scotland should meet to discuss whether the existing FAI legislation should be brought more in line with the coronial system and inquests. According to Dr George Fernie, Senior Medical Reviewer, who heads the DCRS: ***“Whilst there has been an improvement for bereaved relatives from the introduction of the Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016 and effective liaison between DCRS and SFIU, it could be said that the benefit of an inquest is there has been a judicial process rather than being dependent on discretion.”***<sup>39</sup>

However, there are the nonetheless limitations with the coronial system which have been recognised by one English coroner. In a letter to Brenda White, mother of son Michael who died suspiciously in Thailand but where the inquest concluded it was suicide, the coroner explained that because the witness was in a different country and therefore could not be compelled to give evidence, the finding of the inquest would have to stand. The coroner went on to say to Ms White that: ***“The case illustrates the problems of deaths abroad, where the coroner has no powers to require police forces in other countries to carry out proper investigations as would be expected in the UK.”***

The APPG also believes that the language being used internally at the FCO is inappropriate, causes unnecessary offence to families in distress and could be improved with some basic changes. Currently, it refers to British citizens as “customers”. Ms White also said: ***“The FCO has regular customer insight meetings. We aren’t customers, Michael wasn’t a product, we can’t get part exchange, we can’t get a refund and we will never get a replacement.”*** The APPG has heard from several families who were offended by this terminology.

The APPG therefore recommends changing the language used within the FCO so they no longer refer to citizens as “customers”.

Families ought to be afforded the respect and decency of transparency around how their case is being handled within the FCO, if at all, with full and clear information being provided in a timely manner in appropriate language. In desperate situations such as these a call centre type of operation, which locks people out of a basic and transparent discussion about consular assistance, adds to the trauma families experience. Similarly, providing families with conflicting information about their loved one’s case is deeply offensive, unhelpful and speaks to an institutional attitude of ‘who cares’ or ‘why bother’. The APPG suggests changes are needed at the top of the FCO so that a greater understanding is gained of small changes that could go a long way.

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<sup>38</sup> The APPG understands that Clare and Paul Haughey’s son had a non-invasive post-mortem in Holland which gave comfort and the APPG will be interested to explore non-invasive post-mortems in future.

<sup>39</sup> Meeting with Healthcare Improvement Scotland, Senior Medical Reviewer Dr George Fernie on 15 July 2019

Given the traumatic evidence that the APPG has heard from circa 60 families we have no doubt that FCO staff have similarly heard these traumatic experiences in intricate detail and most probably in real-time.

In fact, at a meeting with the Head of Thematic Casework and Policy, we heard that FCO staff has a counsellor they can talk to to deal with complex and harrowing things they hear as a result of dealing with families' trauma.<sup>40</sup>

Upon discussion with VSE, their head told the APPG:

***“[The FCO] needs to ensure proper protections for staff are put in place. They should not only be trained to look after themselves but the system should look after them. Do they have a weekly supervision meeting, do they have access to a psychologist? Within that training, staff should also learn the basics of what is the impact of crime, how to work with and advise victims, how to talk to them, through for example psychological first aid training. How as a parent do you know how to talk to a child about the loss of a father or mother ... if we learn about this, if FCO officers had this training, it would help them work better.”***<sup>41</sup>

Similarly, Mr Trickey<sup>42</sup> told the APPG about vicarious trauma:

***“There is a need for vicarious trauma systems to be in place for FCO and other organisation staff. Counselling services are all well and good but people don't engage until they feel they really have to. So they act standoffish and cold towards families because they are trying to protect themselves from the families' trauma.***

***“Staff need a systematic supervision structure that allows them to offload what they deal with as a scheduled compulsory part of their work week. This would help them give a better service and be able to have compassion for the families they are meant to be helping. It is compulsory in some organisations and hugely beneficial.”***<sup>43</sup>

Following some online research, the APPG found that:

***“The FCO has a legal obligation to protect the health and safety of its employees both at home and overseas ... the FCO also has a moral and legal duty of care to do all it can to ensure that its employees ... receive the right kind of attention and support if they are exposed to traumatic events in the course of their work. Terrorist attacks like Bali and Istanbul are unwelcome reminders that all of us are potential targets, but staff can also be exposed to very unpleasant experiences in less high profile events. A key component in the FCO's response to traumatic events is Trauma Risk Management (TRiM)...***<sup>44</sup>***This approach***

<sup>40</sup> Meeting with Head of Thematic Casework who has oversight of the Murder Manslaughter Team; Prisoner and Human Rights Team and Forced Marriage Unit (from FCO side) on 28 February 2019

<sup>41</sup> Call with Victim Support Europe, Levent Altan on 16 May 2019

<sup>42</sup> davidtrickey.com

<sup>43</sup> Call with consultant clinical psychologist and expert witness David Trickey on 10 October 2019

<sup>44</sup> “The TRiM methodology has evolved from clinical research which shows that most people who live through traumatic events adjust well and suffer no long-term ill effects.” Government Publication,

***echoes NICE guidelines about best practice in the aftermath of exposure to trauma. People need reassurance, information and kindness...”<sup>45</sup>***

It is clear that the FCO has a duty of care to protect its staff and knowing how traumatic the experiences of the families contacting them are, it is all the more crucial that staff are properly trained to adopt a trauma-informed, psychosocial approach so that they do not cause secondary victimization for these families who are at the heart of what this work is about and who desperately need support.

In addition to those bereaved overseas, the APPG took evidence from the families of UK citizens imprisoned abroad. Daniela Tejada, the wife of Matthew Hedges who was imprisoned for seven months in the United Arab Emirates whilst visiting Dubai to carry out research for his PhD told us that despite Mr Hedges being accused of spying for the British Government, the support from the British Government (who could have confirmed this was not the case) was not forthcoming.

As Ms Tejada went on to explain, even after seven weeks, the FCO was unwilling to discuss the core issues with her and repeatedly quoted the Data Protection Act (“**DPA**”), saying they needed her husband’s permission before speaking to her despite the fact he was being held in solitary confinement in an Abu Dhabi prison. For example, offers by the relevant university and Ms Tejada to explain to the FCO the topic and focus of Mr Hedges’s PhD dissertation were turned down and dismissed as unnecessary by a very junior FCO caseworker in the UK (yet they were welcome in the Embassy in the UAE). Not only that, she could not see any work being done to advocate for Mr Hedges and get him out of solitary confinement, let alone prison.

Ms Tejada told the APPG that she repeatedly asked the FCO whether they had addressed the fact that Mr Hedges had been held in solitary confinement between May and November 2018 but was given conflicting answers depending on who she spoke to. Whilst she could appreciate there are protocols and standard procedures in place, she could not understand why some basic tasks were not fulfilled and specifically why she was having to point out the basic FCO guidelines to staff when communicating with them.

Ms Tejada said: ***“there were massive gaps in communication”*** and described the assistance from the FCO as: ***“Very poor. Availability is not the only need that should be attended to. In spite of the gravity of the case, I was assigned to a very junior caseworker throughout. Her lack of experience was most evident in her questionable judgement as well as the advice that she was able to provide, her autonomy in regard to the information that she was able to share and extremely worrying responses to my concerns in numerous instances.”***

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Trauma Risk Management – TriM. Available at [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/35492/0392-12attachment2of2.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/35492/0392-12attachment2of2.pdf)

<sup>45</sup> Government Publication, Trauma Risk Management – TriM. Available at [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/35492/0392-12attachment2of2.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/35492/0392-12attachment2of2.pdf)

Ms Tejada said that there was a clear detachment between London and the foreign post. ***“The problem is in London. People on the ground in the UAE did all they could.”***

***“I have 100% no doubt that the problem is in London – and part of that is that the caseworker is not the decision maker.”***

This was a theme throughout the evidence sessions, that the foreign embassies were on the whole far more willing to assist than the FCO in London was. Speaking for her and her husband, Ms Tejada said:

***“We both want for the FCO to really reassess their handling of consular cases particularly when it comes to out of the ordinary cases.”***

As well as recommending the DPA is not quoted indiscriminately or used to avoid communicating effectively with families, the APPG similarly recommends that for such prisoner cases, the FCO caseworker being assigned is sufficiently experienced and trained so that they do not cause secondary victimization to the family.

Finally, it is a great shame at best and galling at worst to think that many of these recommendations were made in 2014 by the Foreign Affairs Committee during its review of consular services. For example, it recommended proper handovers, face to face meetings, a review of staff training and development and a strategy for each murder or manslaughter case, to name but a few.

Michael Porter whose mother died in Greece said: ***“I had input to the inquiry in 2014 and I knew nothing would change, there’s such a lack of transparency.”***

***Here we are in 2018 and families are still being let down. You have to sell your soul to get something that should be given to you...”***

For families like Michael’s to have opened their hearts and re-lived the experience in order to make it better for others and then be let down, is in itself damaging.

The APPG would therefore urge the FCO to take on board the following recommendations and implement them as soon as possible to avoid causing any further trauma to British nationals at the worst time of their lives.

### **The APPG therefore recommends:**

#### **Recommendation 1**

**All relevant government departments, agencies, services and third party organisations must recognise secondary victimisation and adopt a ‘trauma-informed’ approach to protect and support families traumatised overseas and consular policy must be extended to recognise the same**

- a) All relevant government departments, agencies, services and third party organisations must ensure compliance with the intention behind the Victims’



Directive to “*minimise difficulties victims in another Member State than their own*”<sup>46</sup> have when they are vulnerable and in need of assistance

- b) That the SVC is extended to include families such as those discussed in this report and that the Victims’ Code be extended in England and Wales to cover the families discussed in this report.
- c) That the FCO’s MMT and other government staff dealing with bereaved families and trauma overseas become party to the Victims’ Code
- d) That training on secondary victimisation is delivered within but not limited to the FCO’s MMT, other staff dealing with trauma and agencies it funds to prevent this being caused
- e) That government departments and support agencies recognize that families bereaved abroad (not just as a result of a crime) need the same or similar supports to those who have been victims of a crime
- f) That the FCO ensures proper staff ‘trauma-informed’ training as soon as possible including on human compassion, attitude, communication and language to prevent secondary victimisation and enable staff to provide psychosocial support
- g) That VSHS becomes party to the Victims’ Code in England and that VSS becomes party to the Scottish Victims’ Code
- h) That the FCO introduces a culture of openness, clear communication, transparency, kindness and empathy and initiates a culture of proactively trying to help families
- i) That the FCO provides families with a face to face meeting with an experienced member of FCO staff in London at the outset of a traumatic event overseas and to discuss the matter in detail
- j) That proper notes are made of cases; that families are allocated a caseworker of sufficient experience for the complexity of the case; that families are informed when their caseworker is moving on and introduced to the new one; and that staff changes at the FCO involve proper handovers so that families are not repeatedly explaining their experiences from the beginning each time to avoid secondary victimisation
- k) That the MMT is permanent and not rotational
- l) That the FCO provides detailed and geographical guidance on repatriations and inquests i.e. ‘no body no inquest’ is understood by staff so that information can be passed on in an accurate and timely manner
- m) Where an inquest is opened by a coroner the FCO has an obligation to provide active assistance to the coroner, who may be seeking answers from the country of death
- n) That the relevant agencies in Scotland should meet to discuss whether the existing FAI legislation should be brought more in to line with coronial system and inquests

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<sup>46</sup> European Parliamentary Research Service (2017) *Victims Rights Directive 2012/29/EU*, p. 43 “Intervention logic – Rationale for EU action”. Available at [http://www.europarl.europa.eu/RegData/etudes/STUD/2017/611022/EPRS\\_STU\(2017\)611022\\_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2017/611022/EPRS_STU(2017)611022_EN.pdf)

- o) That the FCO changes its language so that it no longer refers to citizens as “customers”
- p) That the duty of care to FCO staff is recognized internally and vicarious trauma training provided alongside access to proper support/ counselling for staff
- q) That the Data Protection Act is not quoted indiscriminately (common sense must be applied) and that a review is undertaken internally at the FCO of how the DPA is used
- r) That the FCO reviews the recommendations made in 2014 by the Foreign Affairs Committee in its review of consular services are re-visited in addition to these recommendations
- s) That the Prime Minister and the Foreign Affairs Minister ensure that these recommendations are duly considered and implemented

## Recommendation 2

**Special attention must be paid by the UK, Scottish and other devolved governments to suspicious and unexplained deaths abroad and a process created to close the significant gap in the support currently provided**

Livingston constituents Julie Pearson and Kirsty Maxwell both died in suspicious circumstances - their deaths are the reason this APPG was established. Suspicious deaths are particularly problematic and we have seen first hand families fall between the gaps where the death is suspicious or unexplained.

Julie Pearson died in Israel the day after she was brutally attacked but the Israeli autopsy report concluded that she died from natural causes. Her family believed she died as a result of the attack which left her badly bruised (with more than 70 obvious bruises on her body) and felt compelled to release the graphic photographs of her body in order to challenge that finding. As a result of the conclusion of the Israeli autopsy, her family have not been treated as victims of a manslaughter or a suspicious death either there or in the UK. On that basis, they have not received any support from authorities in the UK.

Julie Pearson's aunt Deborah told the APPG: ***“When we met with the FCO and the Eilat police the FCO representatives behaved like cowards. They said we should go home because they felt they were in danger - not us, them. They were no help nor use, not pushing for answers and we had to keep pushing. They wouldn't answer calls, I had to withhold my number to get them to answer. And no one gets back to you.**”*

***“The police demanded I speak to no media before their spokesman did, they told me not to do my own investigation or speak to anyone from before Julie died. But I carried on with my own investigation anyway.**”*

***“The FCO didn't notify me of any support organisations, nor did they help with retrieving Julie's personal items. I had to find them myself and get the lawyer to collect them. I had to crowdfund to pay the lawyers fees, the FCO didn't provide funds to help with anything.”***

Kirsty Maxwell went to Spain with friends and within 12 hours of arriving fell in unexplained circumstances from a Juliet-type window on the 10<sup>th</sup> floor of an apartment and plummeted to her death. Following a one day judge-led investigation in what was initially treated by the Spanish police as a homicide, the case was later deemed as “complex”. However, the Spanish authorities state, as this is not a domestic issue, Kirsty's family – “the living victims” - do not qualify for victim support from Spain. Neither do they qualify for support in the UK.

Kirsty's parents, Brian and Denise Curry, told the APPG:

***“We are still fighting the case, our family and friends, being Kirsty's voice for truth, justice and answers ... there are so many unanswered questions, and we have had to pursue our own searches for the truth without any structured***

*support from UK, Scottish or Spanish governments. These are incredibly difficult circumstances for families to deal with.*

*“There needs to be mandatory procedures, protocols and assistance in place to assist not only future misfortunes but also current families who are the living victims of unexplained deaths abroad.”*

Both families of Julie and Kirsty continue to seek justice months and years after their deaths and yet it is no easier for them today than it was the date they died. The FCO told the families’ MP Hannah Bardell that the MMT will not accept the cases because they do not have enough evidence that either woman died as a result of manslaughter.

The APPG learned that these cases are handled by general country casework teams and presumably sit alongside those of natural deaths and other cases which do not involve some of the complexities that suspicious death cases do, including lost passports. That is unsatisfactory for the families, their MPs and this APPG. Crucially, this means the families will not be treated as victims and referred for any support.

The APPG is aware that insurance companies may not pay out on a death in suspicious circumstances either, and may rely on general exclusions in a policy at a time when families most need the financial support an insurance policy can offer. Families in this situation are left in limbo, without funding to further an evidence gathering process by lawyers in the UK and/or the country of death.

We spoke to one of the UK’s most experienced law firms who indicated that insurance companies are interpreting and implementing policy terms more strictly, refusing to pay to fund a legal investigation, and requiring a high degree of evidence to prove that there was foul play and to establish a reasonable prospect of success from the outset. The problem that creates for a family is that where an evidence gathering process is required and a lawyer’s services need to be engaged to do so, it becomes a chicken and egg situation. As a result, the lawyers have seen an increased number of families having to crowdfund to attempt to seek justice.<sup>47</sup>

We have seen this in both Julie’s and Kirsty’s cases where their families have had to resort to funding their own legal costs using their own money, and to crowdfunding, relying on the generosity of others to pursue justice for their loved ones. The APPG has heard similar experiences from other families bereaved abroad and unfortunately, advising people to take travel insurance does not cover all eventualities.

In the case of Kirsty Maxwell, she had the most comprehensive insurance possible before travelling to Spain but the insurer would not pay to fund a lawyer to look into the circumstances of her death. Some inroads have since been made with the insurer in this particular case but it has taken political involvement and pressure over many months. This is unsatisfactory for Kirsty’s family and would be unsatisfactory for families who experience suspicious deaths in the future.

The Criminal Injuries Compensation Authority (“**CICA**”) does not extend to deaths that occur overseas – unless the victim dies in a terrorist attack. In suspicious

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<sup>47</sup> Stewarts, London - experts in international personal injury law. Meetings on 4 October 2018 and 10 April 2019

circumstances where there is no evidence of a crime a family is unlikely to get any financial help and the APPG therefore recommends creating the 'Pearson-Maxwell Protocol' ("**the Protocol**") to develop and implement a holistic support service that encompasses support and resource for repatriation (where there are issues or lack of support from the insurer), central translation of documents, emergency travel and legal fees. The Protocol should also include how airports, airlines and victim support/police support families with a wrap-around service that works together.

If you are the victim of a homicide in the UK, you will be referred to Victim Support Homicide. If you are a victim of homicide abroad, it will be the FCO or MoJ's decision about whether you are referred to homicide support. Victim support referrals are not made as standard in the case of suspicious deaths and police do not have the scope to intervene or investigate overseas, although as many families have mentioned the case of Madeleine McCann proves differently.

Madeleine McCann went missing in Portugal in suspicious circumstances. In her case, the UK police were invited and allowed to intervene in the Portuguese investigation. Therefore, instances have been seen of police Family Liaison Officers ("**FLOs**") going out to a country of death with a family to help them navigate the local legal system.

Lisa Brown went missing in Spain four years ago and is presumed dead. Jason Pope went missing in Angola more than 20 years ago. Neither of their families were provided with FLO support or have felt adequately supported.

Helen Jordan, whose sister Lisa Brown is missing presumed dead in Spain told the APPG: *"Lisa has been missing since November 2015, and we had no contact from the UK authorities until FM Nicola Sturgeon intervened after we wrote to her – the next day we got phone calls, the FCO was falling over to help us.*

*"Even now, after all the meetings, we have very little of significance. It takes months to get questions answered, if you're lucky to actually get an answer. Another year has gone by. Is it any wonder families feel completely let down? From our point of view and other families, the FCO wishes we would give up."*

Genevra Pope, whose son Jason went missing/presumed dead in Angola told the APPG: *"Each trauma – murder, missing, abduction, deaths, forced marriage, terrorist attacks, arrests – is different but every one has a factor in common and that is that they occurred overseas. The difficulties people face haven't changed [in 20 years since the death of Jason] and sadly neither have the complaints. People travel abroad believing the FCO will help them, but at a time when people least need their beliefs shattered, reality hits them in the face."*

Comparative table showing lack of support for suspicious deaths and other

<u>Victim of terrorist attack</u>	<u>Murder/manslaughter</u>	<u>Suspicious/unexplained death</u>	<u>Missing/suspected dead</u>	<u>Imprisoned</u>
Specialised FCO support – Murder Manslaughter Team	Specialised FCO support – Murder Manslaughter Team	General country casework team at FCO	General country casework team at FCO	Discretionary consular assistance
Insurance company pays out as standard	Insurance company pays out as standard			
Entitlement to compensation (CICA)	Victim Support referral			
Victim Support Referral	Police informed / FLO provided			
Police informed / FLO provided				
Flights provided				
Translation services provided				

At a meeting with the head of the MMT within the FCO this year, it was stated that the FCO recognises there is a wider interest in suspicious deaths.<sup>48</sup> At a meeting with the Victims Strategy Unit within the Ministry of Justice it was similarly recognised that there is a gap in support for suspicious deaths but it did not seem to have considered it in detail.<sup>49</sup>

It is interesting yet disappointing to note that the gaps in support for families trying to access justice following the death of a loved one overseas was recognised by the FCO during a review in 2014 but then not adequately followed up. Page 2 of the ‘Review of Consular Assistance Following Murder and Manslaughter Cases Overseas (January 2015)’ report states:

*“The review ... sets out our commitments to improving this service. These include setting up a new and specialist Access to Justice Unit within our Consular Directorate, focused on these cases, as well as a renewed focus on consistency and clearer communication. I [Rt Hon David Lidington MP] will be taking a close interest in the work of the new unit and implementation of this review as a whole ... My hope is that*

<sup>48</sup> Meeting with Head of Murder Manslaughter Team in Foreign and Commonwealth Office on 27 February 2019

<sup>49</sup> Meeting with Ministry of Justice, Victims Strategy Unit on 8 May 2019.

*those sadly affected by murder and manslaughter overseas will receive consistently excellent support as a result of this work.*<sup>50</sup>

The APPG recently asked the House of Commons library whether that ‘Access to Justice’ unit had been established. The response was that: *“It appears it has been, although I have only been able to find one reference to it ... Given that the review said the Unit would be established, and the response said it had been established, this would suggest the Unit was set up in January 2015. The above is speculative given the dearth of source material.”*<sup>51</sup>

As Chair of the APPG, I subsequently tabled a Written Parliamentary Question (“WPQ”) asking the Secretary of State for Foreign and Commonwealth Affairs whether his Department has an Access to Justice Unit within its consular directorate. Harriet Baldwin, Minister of State, answered to say: *“The name of the unit was changed to the Murder and Manslaughter Team shortly after it was established to better reflect the unit’s purpose as a dedicated team supporting those bereaved through murder or manslaughter overseas.”*<sup>52</sup>

In response to the WPQ the APPG heard from Murdered Abroad<sup>53</sup> who contributed to the 2014 review and who advised us: ***“Once established, the FCO quickly did a u-turn changing the name from AJU to MMT when it became apparent that all crime types committed abroad would need to come under such a loose description.”***

Unfortunately, as we heard from Julie Love founder of ‘Deaths Abroad You’re Not Alone’ (“DAYNA”): ***“Whilst the FCO fulfilled their commitment and established the small central Murder and Manslaughter Unit within the FCO I’m extremely disappointed in the lack of progress & consistency, particularly towards suspicious and tragic accidental deaths. There was promise of producing clearer guidance for vulnerable and grieving families with a promise to implement a biannual report of assistance provided after obtaining feedback from families. There has been no published information regarding this. My frustration is there is no formal way of gauging any progress.”***

It was clearly recognised in 2014 and 2015 that there was more to be done.<sup>54</sup> In fact, the FCO went so far as to say:

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<sup>50</sup> Foreign and Commonwealth Office, Consular Assistance Department (2015), “Review of Consular Assistance Following Murder and Manslaughter Cases Overseas”, p.2. Available at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/396496/FCO\\_review\\_of\\_consular\\_assistance\\_following\\_murder\\_and\\_manslaughter\\_cases\\_overseas.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/396496/FCO_review_of_consular_assistance_following_murder_and_manslaughter_cases_overseas.pdf)

<sup>51</sup> Full library response is available in Appendix 1

<sup>52</sup> Written Parliamentary Question 259332, answered by Harriet Baldwin on 6<sup>th</sup> June 2019, available at: <https://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2019-06-03/259332/>

<sup>53</sup> Email from Murdered Abroad dated 7 June 2019

<sup>54</sup> Foreign and Commonwealth Office, Consular Assistance Department (2015), “Review of Consular Assistance Following Murder and Manslaughter Cases Overseas”, p.2. Available at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/396496/FCO\\_review\\_of\\_consular\\_assistance\\_following\\_murder\\_and\\_manslaughter\\_cases\\_overseas.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/396496/FCO_review_of_consular_assistance_following_murder_and_manslaughter_cases_overseas.pdf)

***“We will ask the AJU to review our policy on suspicious deaths and consider whether families affected by these can receive similar levels of support. Consistency in defining suspicious deaths may be difficult and our primary focus will continue to be on getting assistance right in murder and manslaughter cases.”***<sup>55</sup> We do not know the outcome of that review. Furthermore, the AJU is actually the MMT which is exclusive of suspicious and unexplained deaths.

The APPG recommends the FCO publishes the outcome of this review.

We recognise the difficulties suspicious and unexplained deaths pose for FCO staff who understandably do not have the benefit of police detective training and so FCO caseworkers should not be making judgments on what has happened. We recommend that police Senior Investigating Officers (“**SIOs**”) who have specialist relevant training should be involved in such cases from day one. Some of the suspicious deaths cases might not actually be murders but because families do not know what has happened to their loved one and do not get the answers from anyone (as many of the APPG evidence sessions revealed), they would really benefit from SIO involvement. As retired Commander David Johnston, a former police professional, told the APPG, it is an awful thing to give a consular officer who may only have been in the job with training of one year or so this task with no background or understanding of these matters.<sup>56</sup>

Commander Johnston also suggested to the APPG that there should be a common agreement between the police in Scotland, England and Wales to provide a family with an SIO or a Family Liaison Officer from their local police force. He explained this would not be too onerous given the number of deaths overseas each year where this would be needed and divided by the number of police forces across the UK, would equate to around 3-4 per police force annually, which is not unreasonable.

Ryan Curry, whose sister Kirsty died in Spain, told the APPG: ***“Although Kirsty's case is still very high profile we have never been contacted by the Homicide Unit or FCO about how they would come to a decision on who gets assistance and who doesn't. Who decides? We feel as a family we have been left in a state of limbo because this decision can affect how much help, assistance and support (including insurance) we as a family (the living victims) are entitled to.***

***“Does Police Scotland get presented with the full facts? Is there someone from the UK that would review the case on the victim's behalf? Surely these decisions cannot be left to a foreign jurisdiction to decide.***

***“There have been cases where other countries have taken over the case when it involved their citizens being killed abroad and have actually made convictions. Why can't the UK do this? If the suspects or perpetrators are also from the UK***

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<sup>55</sup> Foreign and Commonwealth Office, Consular Assistance Department (2015), “Review of Consular Assistance Following Murder and Manslaughter Cases Overseas”, p.2. Available at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/396496/FCO\\_review\\_of\\_consular\\_assistance\\_following\\_murder\\_and\\_manslaughter\\_cases\\_overseas.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/396496/FCO_review_of_consular_assistance_following_murder_and_manslaughter_cases_overseas.pdf)

<sup>56</sup> Call with retired Police Commander David Johnston, 11 September 2019



***this should effectively make the process simpler but it actually seems to cloud it even more.”***

Unfortunately the APPG has heard evidence of local police forces saying the matter is nothing to do with them, which makes it very difficult if it comes down to the willingness of individual officers and essentially ‘luck’ of who is on duty on the day.

The APPG recommends that the NPCC and Police Scotland meet to discuss and agree a consistent approach for families bereaved abroad which would offer them more support than they have at the moment, specifically the provision of an SIO and/or FLO.

Jean McCulloch, whose son Alan died in Cambodia, told the APPG:

***“A friend of my son’s called to tell me Alan had drowned. We phoned the police station but they said it was an international issue and nothing to do with them.”***

Roger Parrish, whose daughter Joanna died in France, told the APPG: ***“I found the local UK police extremely helpful, despite the fact they were very limited in what they could do without an invitation from France. A Chief Superintendent travelled to France with us on two or three occasions. He helped us a lot.”***

These two examples highlight the difference in approach and show that, where there is a willingness, support is available. In addition, we heard from Clare and Paul Haughey that the local police followed up with them after the notification of death on two occasions to check they were ok, which made a huge difference to their experience.

Families need clarity on who can help them in such a dreadful situation and there is no reason why the police, FCO and others cannot work together to work out exactly what a family faces upon learning their loved one has died overseas.

On the basis of the evidence we have heard from families, the police and the Victims’ Commissioners, we are convinced that more needs to be done at the FCO to help them to help victims and that joined up working is established as soon as possible (see recommendation 5).

The APPG further recommends the FCO revisits its plan from 2015 by establishing an Access to Justice Unit for suspicious and unexplained deaths abroad that sits within the National Crime Agency where there is access to International Liaison Officers for SIOs to consult on complex cases. This would relieve the pressure on the FCO. If it is decided that no crime has been committed, the police can step down.

As the APPG has heard, many cases are not immediately obvious as murder or manslaughter at the outset. We heard of many deaths framed to look like accidents or suicide, which would mean those cases would not be placed under the MMT either initially or perhaps, at all.

Brenda White told us that she was told her son Michael committed suicide by hanging from the shower rail, but she said it could not have held his weight and the circumstances around it were suspicious. Ms White told the APPG:

***“In September 2014 Michael apparently hanged himself while his girlfriend was in another room. No one explained to us the bruises or the messed room, the missing sim card from his phone and his bank account was emptied after death. After just an hour to investigate the Thai police allowed the media into the apartment and they filmed the witness and my son’s body. The police were so quick to wrap up they allowed key witnesses to go without signing a statement or giving contact information. The autopsy was mislaid. We visited the apartment where my son died and witnessed my husband testing the strength of the shower rail where our son apparently hanged himself. All our suspicions were confirmed. My son weighed in excess of 90 kilos, the shower rail could not have held him. His girlfriend changed her Facebook profile to say “catch me if you can”.”***

Pat Harrington whose son Ben died in Thailand was told he died in an accident but it later transpired that did not make sense. Ms Harrington told the APPG:

***“The Thai police said Ben died of a road traffic accident, that he hit a pylon and broke his neck. The post mortem said his head was facing the other way so I asked for more evidence. I was told most of the bones in Ben’s body were broken – apart from his neck.***

***“I remember trying to call the FCO and getting no answer, leaving messages and voice mails. I finally got through to someone two weeks later but I fell between the gaps of one person leaving and another one starting. I want others to get all the help because we’ve had nothing at all. I’d like for the FCO to have absolutely accurate and up to date information on countries so people don’t go there in the first place. Only one person should manage each family, translations should be provided and better guidance. If they came to your door with that information it would be even better.”***

Alison and Phillip White’s son Richard died in Thailand and they were suspicious about the cause of his death: ***“Over the years, records of all details regarding our son’s passing have included irregularities. Thailand officials said it was a self-inflicted overdose, but in our shock, confusion and grief that this could in fact be true, we remained open to hear our son’s personal narrative. The reported facts of his death were so inconsistent, they supported our belief that his overdose was not self-inflicted. We do not believe there was adequate information or evidence to make the final decision about cause of death. We relayed our concerns to the British Embassy, with the understanding that the Embassy reports to the FCO. The response was indirect, non-committal and there was no diplomacy on our family’s behalf.”***

The APPG recognises the complexity of these cases. There are no easy answers. But trauma is trauma and there is no reason why consistent approaches cannot be adopted so that families are properly supported in a consistent way. As VSE told the APPG: ***“It is important to remember the wide range of victims and how they can***

*be assisted. Terrorist victims will be escorted, given free flights, so random, that in itself is quite harmful.”<sup>57</sup>*

The APPG therefore recommends:

## Recommendation 2

**Special attention must be paid by the UK, Scottish and other devolved governments to suspicious and unexplained deaths abroad and a process created to close the significant gap in the support currently provided**

- a. The UK Government makes a special provision for cases of suspicious and unexplained deaths so that they are not handled by general country casework teams within the FCO thus ensuring families are treated as victims and receive support e.g. That the FCO and MoJ work together by creating a joint unit similar to the Forced Marriage Unit (which is Home Office/FCO) and revisits its plan from 2015 to establish an Access to Justice Unit for suspicious and unexplained deaths abroad that sits within the National Crime Agency where there is access to International Liaison Officers for SIOs to consult in complex cases
- b. That the UK, Scottish and devolved governments work with insurers to create a specialised provision for funding e.g. an evidence gathering process/legal investigation in the country of death, in cases of suspicious or unexplained deaths abroad ensuring families are not relying on crowdfunding
- c. That CICA is extended to deaths that occur overseas
- d. Launch the ‘Pearson-Maxwell Protocol’ to fund support for families bereaved by deaths abroad including for repatriation, translation of documents and emergency travel
- e. That the FCO/MoJ makes victim support referrals as standard in cases of suspicious and unexplained deaths
- f. That the commitments made in January 2015 by the then Foreign and Commonwealth Minister of State for Europe, Rt Hon David Lidington MP be revisited jointly by the FCO and MoJ
- g. That the FCO publishes the outcome of the review it asked the AJU to carry out in 2015 regarding the policy on suspicious deaths and support for families
- h. That SIOs are appointed in suspicious deaths cases from day one
- i. That the NPCC and Police Scotland meet to discuss and agree a consistent approach for families bereaved abroad which would offer them more support than they have at the moment, specifically the provision of an SIO and/or FLO
- j. That the UK, Scottish and devolved governments deal with murder/manslaughter; suspicious/unexplained deaths; missing/suspected dead; and imprisoned cases consistently and in line with victims of a terrorist attack

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<sup>57</sup> Call with Victim Support Europe, Levent Altan on 16 May 2019

### Recommendation 3

**Clarify the guidance around consular assistance; enshrine in UK law the right to consular assistance for all British nationals and create a separate department/agency for protection of British citizens distinct from that which currently works on diplomacy and trade relations**

Currently, the guidance around consular assistance is so vague that families are unclear about what help they can ask for. This lack of clarity adds to the trauma these families face, causing secondary victimisation. As such, the APPG recommends that the FCO clarifies its guidance around consular assistance as a matter of urgency.

In 2014 when the Foreign Affairs Committee scrutinised the provision of consular services it expressed the exact same sentiment in requesting clear information be made available for families bereaved overseas. In January 2015, the FCO said in response: *“We welcome the Committee’s feedback on our public guidance and commit to revising it as part of our review on how we support families after murder and manslaughter cases – with the aim of making it clearer what families can expect to receive in such circumstances.”*<sup>58</sup> Unfortunately, five years later the evidence of that commitment is not apparent and the APPG strongly recommends that now is the time the FCO commit to making proper improvements.

FCO comments to the media and correspondence sent from the FCO to families from whom we have taken evidence regularly includes the words: *“We are providing consular assistance to the family”*. However, there is no understanding amongst families or their MPs of what those words actually mean.

Helen Jordan whose sister Lisa Brown went missing in Spain in 2015 and is presumed dead said: *“The UK FCO is a disgrace; “We are liaising with the family,” they say in response to media questions, but it’s not true. We’ve had no more than four phone calls in all those years.”*

Jennifer Skilbeck whose daughter died on La Reunion Island said: *“My late husband was a diplomat and I had contacts quite high up in the FCO, and even with the involvement of a Senior Ambassador, I got no more help. My understanding is that since the consular activities have been subsumed into the FCO (it used to be a separate service) helping people abroad has become an ‘Aunt Sally’.*

*“My daughter died in her gap year and a boy from her school also died around the same time while on his gap year in South America, so the coincidence made the newspapers. They reported the FCO as saying both families were being supported by the FCO – that still annoys me, and produces a wry smile when I read the same comment in later cases.”*

Clare Haughey, whose son Charlie died in Holland, challenged the FCO for telling the media they were supporting her family when in reality there was no evidence of what

<sup>58</sup> Government Response to the House of Commons Foreign Affairs Committee’s Fifth Report of Session 2014-15 (HC516) (2015), *FCO Consular Services*. Available at:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/396797/46144\\_Cm\\_8994\\_Accessible.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/396797/46144_Cm_8994_Accessible.pdf)

they were doing to help. Their response was along the lines of “*sorry you feel that way*”, a rather short and dismissive answer to a mother who had just found out about the death of her son. Paul Haughey said he used to take comfort from hearing that line when he heard about other tragic situations involving British nationals overseas, but now he realizes it is untrue and just a standard line the FCO throws to the press. The APPG recommends that the FCO stops advising the media it is providing consular assistance to families as standard.

Perhaps it is unsurprising that there is such uncertainty around consular assistance and what it constitutes when it is clearly stated on the government departmental website that: **“*There is no legal right to consular assistance. All assistance provided is at our discretion.*”**<sup>59</sup> Currently there is no legal right to consular protection in the UK and the government states that it has no legal obligation to help British citizens imprisoned abroad: **“*Consular assistance is central to our work at the FCO. This support is not a right, I [Minster for Asia Mark Field] hasten to add, nor is it an obligation. Contrary to a common misconception, the Government do not have a legal duty of care to British nationals abroad.*”**<sup>60</sup>

Nonetheless, when the FCO reports to the media that it is providing consular assistance, there ought to be an understanding of what that equates to, not least by the families who are purported to be receiving such assistance. In the situation where consular assistance is discretionary and families report struggling to get through to, or get replies from the FCO, how can they be assured that consular assistance is being provided to them?

Moreover, what does that assistance involve and if it is being provided, why are specifics – or any details whatsoever – not being communicated? There is a lack of transparency around when the decision is taken to offer it or not and on what criteria that decision is made. Submitting Written Parliamentary Questions to the FCO did not take us any further forward, unfortunately. This lack of transparency is breeding mistrust between the government and its citizens. Surely it is the decision to offer assistance that is discretionary rather than the assistance itself, but the point requires clarification.

The APPG sought to find clues from the FCO’s website about the circumstances in which consular assistance might be offered. It states:

**“*Our priority is to provide assistance to those British nationals overseas that need our help the most.*”**

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<sup>59</sup> <https://www.gov.uk/government/publications/support-for-british-nationals-abroad-a-guide/support-for-british-nationals-abroad-summary>

<sup>60</sup> Minister Mark Field (Minister for Asia and the Pacific) speaking in Westminster Hall debate ‘*British Nationals Imprisoned Abroad*’ on 13 March 2018. Available at <https://hansard.parliament.uk/Commons/2018-03-13/debates/7ECEDA17-1A72-4C2D-97BB-40EDAD97CCD9/BritishNationalsImprisonedAbroad>

*“The level and type of assistance we offer is tailored to the individual circumstances of each case.*

*“Our staff will make an assessment of your vulnerability and the needs you have, based on who you are, where you are, and your situation.*

*“We will then aim to offer assistance which helps meet your needs, such as:*

*“Provide details of other organisations that may be able to provide specialist support.”<sup>61</sup>*

At face value this looks promising that those who need consular assistance the most will be prioritised. However, assuming that some of the families from whom we have taken evidence needed consular assistance the most given the disturbing and complex nature of the murders; suspicious and tragic accidental deaths; imprisonment; and missing persons cases we have heard, it is ironic that in case after case, they did not report to have been provided with much, if any at all. This is an unacceptable position for these families and for any government.

The reality for those facing the need for consular assistance is that the ‘guidance’ around who is helped is exceptionally unclear. Taking the points above in turn, the first query is whether the help for British nationals “**overseas**” includes support for families who are physically in the UK but dealing with a trauma overseas. There is evidence to suggest that after repatriation guidance, a family is ‘dropped’, most likely at the time they need help the most, which leads to the question of how the FCO decide who “**need help the most**”. This point is in special need of clarification when you think of the many different types of support that may be desperately needed in such traumatic and complex circumstances as described in this report (see family evidence and quotations section).

Furthermore, whilst there may be good reasons for tailoring assistance depending on individual circumstances, this sounds in danger of creating a tiered system where some qualify for help and others do not. In any event, we have seen no evidence of assistance being “**tailored**” to individual needs. Letters and meetings with the FCO and MPs we have spoken to have never once prompted staff to explain this.

The next uncertainty is around who at the FCO is involved in making an assessment about a family’s needs. We have already identified a number of staffing issues including the rotational system and lack of institutional knowledge; examples of junior caseworkers out of their depth dealing with very high profile cases; a lack of ‘trauma-informed’ training displayed by a lack of compassion and empathy; and threats being made to families not to approach the media if they want help, so it is unclear who is qualified to make an assessment of one’s vulnerability and the needs they have. To simply say “**our staff**” naturally sheds any ownership or responsibility in a scenario

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<sup>61</sup> Foreign and Commonwealth Office (2016) *Support for British nationals abroad: A guide*, p.3. Available at

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/822887/Support\\_for\\_British\\_Nationals\\_Abroad\\_Main\\_Guide.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/822887/Support_for_British_Nationals_Abroad_Main_Guide.pdf)

where much attention and ownership is needed around vulnerable people to avoid secondary victimisation.

Moreover, there is no information on when or how such an assessment is being made, whether it is in the space of a telephone call or based on a postcode. Further clarity on how this assessment is made is crucial, specifically, what is meant by **“who you are, where you are and your situation”** since families from whom we have heard report having been told there is nothing the FCO can do at all. Others have reported being unable to get through to the FCO, sometimes for two weeks, or get through to the same person. No one has reported being made aware they were being assessed. With such lack of clarity and transparency around the process, it is no wonder families feel continually and repeatedly let down by the FCO. Living in expectation and being constantly disappointed causes them further despair in already traumatic circumstances.

Many families who provided evidence to the APPG were clearly vulnerable. This is apparent from statements such as that of Jeanette Philpotts, whose niece Jessica died in France: **“To say we feel badly let down is an understatement, there is a real gap in bereavement support in the event of a UK citizen, let alone a UK child fatality abroad.”**

Jo Hibbert, whose aunt Celia Holmes died in Bulgaria said: **“The FCO or embassy staff did not meet with us at any time. We expected they would offer support at all times – that’s what they are there for, aren’t they? We received no support from the FCO at all...”**

**“Most people have no experience of the FCO, we see depictions on television and assume them to be true. Fact and fiction could not be further apart in this case. They did nothing at the time and their website does not encourage contact or give clear direction. As a result we were in limbo for a year...”**

None of this looks like evidence of an assessment being made of one’s vulnerability. This is doubly disappointing and surprising when we note from some further research that the FCO **“cannot offer guarantees of assistance as all consular assistance is at the discretion of the Government, but it would be rare to refuse support to vulnerable people or those who have suffered a bereavement overseas.”**<sup>62</sup>

It should be encouraging to see that refusing support would be **“rare”** and welcome that those who have suffered a bereavement overseas would meet the criteria for consular assistance in most cases. However, we are aware from the evidence sessions that this is not happening consistently or at all. Furthermore, we still do not know what sort of assistance families bereaved abroad can expect to be provided with and more alarmingly, the families who have shared the most horrendous and harrowing experiences with us do not themselves know what assistance it is claimed they are getting.

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<sup>62</sup> Government Response to the House of Commons Foreign Affairs Committee’s Fifth Report of Session 2014-15 (HC516) (2015), *FCO Consular Services*, p. 9. Available at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/396797/46144\\_Cm\\_8994\\_Accessible.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/396797/46144_Cm_8994_Accessible.pdf)

In a situation where families cannot recognise that they are receiving assistance whilst simultaneously the FCO is telling the media it is providing help, it is obvious that the guidance must be unclear and failing those it seeks to help. Families should not be left to find out what assistance is available by “luck”. As Daniela Tejada said when giving evidence about her husband Matthew Hedges’s experience: ***“It should not be down to luck or fortuitous factors like one’s education or solvency (like ours, which allowed me to quit my job and be well informed about how to react to the situation for seven months). It should be down to people’s freedom, to their rights. The FCO kept talking about due process but didn’t do anything to secure this.”***

Given the number of times the APPG has heard that this type of evidence or that people got ‘lucky’, coupled with the scale and profile of the cases, we would strongly recommend in the spirit of transparency the FCO publishes as a matter of priority its internal guidance about how it decides who is entitled to consular assistance, what criteria are considered, how vulnerability is assessed and what forms consular assistance can take.

We also recommend that the FCO works more closely with families to inform them when they are being assessed. Similarly, if the FCO tells the media it is providing consular assistance, it ought to ensure the family understands what that means by explaining to them specifically what assistance is being provided. This would echo the requests made in 2014 by the Foreign Affairs Committee and we would hope that now would be the time that action is finally taken.

The APPG is heartened that current FCO Minister of State Andrew Stephenson seems committed to change. In a recent letter he stated: ***“I, like my predecessor Harriett Baldwin MP, welcome the APPG’s interest. The Foreign and Commonwealth Office is committed to providing professional and tailored support to British nationals overseas and continue to find ways we can improve this assistance.”***<sup>63</sup>

To this end, the APPG also recommends the FCO makes a commitment to signposting families to specialist support organisations (see recommendation 4). The FCO’s commitment in *“aiming to offer assistance, such as providing details of other organisations that may be able to provide specialist support”* is needlessly non-committal and actually damaging to families. And we have heard of other countries who have been much more proactive in their attempts to help. For example, Fiona Scott Lazareff, whose son Nicolas died in Russia, told the APPG:

***“My son went missing in Moscow, his brother was really worried, so we advised him to go to the police. We rang the British Embassy and asked them to take my son and his friend (both 20) to the police station, to provide support, but there was no one there but a receptionist. There was no local support at all. We were incredibly worried by this point so we called the FCO but the guy didn’t seem to be worried, he just said ‘I’m sure your son will come back’. There was no offer for help at the police station.***

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<sup>63</sup> Letter from Minister of State, Andrew Stephenson MP to Hannah Bardell MP dated 26 September 2019



*“My son has dual nationality so he rang the French Embassy and they sent someone to the police station. They were really helpful, started investigation with the police, checking hospitals and starting a search for him. They met us at the airport, gave us accommodation at the embassy, repatriated my son and provided huge support for my other son until he was able to come home. They took the whole thing over, like a good friend. In the meantime the same man at the FCO decided not to take any notice.*

*What was really shocking was that a couple of hours after my son's death was announced in the mainstream Russian printed press, TV and radio, and our family had been informed the guy from the FCO called me and again asked me ‘Have you heard from your son?’”*

We understand that there is not a huge pot of funding available, or resource to provide all that is asked of the FCO but it would be realistic to expect the FCO to adopt a proactive attitude in attempting to help and commit to signpost people to the organisations it and other government departments fund to provide specialist support and practical assistance. After all, the FCO and MOJ do make the effort to fund organisations who can help families in distress. The FCO also meets regularly with organisations who have relevant and specialist experience<sup>64</sup> of helping families, thus the least that could be offered is a signpost, if not a referral.

The APPG further believes there is a conflict between the protection of British citizens and international trade and relations. Too often, we have heard that economic interests have been prioritised over the needs of citizens in their darkest hour. In particular, the APPG recommends the UK seeks to enshrine a legal right to consular assistance in law so that British citizens may understand their rights and that the Scottish Parliament considers a bill to enshrine in Scots law the legal right to consular assistance for Scottish citizens. The APPG also recommends the FCO creates a dedicated unit that is not responsible for international trade and economic interests to address the potential conflict of interests between negotiating trade deals and advocating for UK citizens.

Consular assistance, and the obligations on countries to provide consular assistance to their nationals is increasingly coming into focus, both in the UK and internationally. Within the UK, there is an increased awareness, due to recent cases like those of Nazanin Zaghari-Ratcliffe, Matthew Hedges and Jagtar Singh Johal that the legal protections for UK citizens overseas are potentially inadequate. Redress<sup>65</sup> is a campaigning organisation that focuses on strategies designed to obtain redress for survivors of torture and generate pressure to end impunity for torture. It has been involved in representing all three of these high profile UK cases and has recommended for some time that the FCO revises, re-evaluates and thoroughly updates the current policy on consular assistance, with the aim of achieving an accessible, clear and well-publicised policy that puts the protection of all British (and dual) nationals from human rights violations abroad at the centre of UK consular assistance.

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<sup>64</sup> Letter from former Minister of State, Harriet Baldwin MP to Lord Falconer dated 11 June 2018 stating: *“The FCO values its relationship with Murdered Abroad... the head of the Murder and Manslaughter Team ... regularly meets with the group’s trustees ...”*

<sup>65</sup> <https://redress.org/>

All three of these families also gave evidence to the APPG. The APPG heard first hand about the conflict of interests between the protection of British citizens and pursuing international trade. Too often, we heard that economic interests were prioritised over the needs of these families.

**Daniela Tejada whose husband Matthew Hedges was held in solitary confinement in a UAE prison told the APPG** they were very unhappy with Alastair Burt and the conflict of interests between doing trade deals and protecting British citizens. She believed Mr Burt was looking after his own interests as foreign minister, signing an MoU with the government of Dubai to share best practice, expertise and techniques on government communications and development of communications teams, at the same time as her husband was being held in solitary confinement (which the FCO had not addressed). Ms Tejada also addressed her concern over Mr Burt's record of paid-for trips to the UAE (including a £10,000 trip for he and his wife) but when presenting this information to the FCO, she said the response was simply that Mr Burt had done nothing wrong because the £10,000 was within the £25,000 allowance and had been declared.

Speaking on 26 June 2019, to mark 600 days of Jagtar Singh's imprisonment<sup>66</sup>, his brother Gurpreet Singh Johal said: ***“Our family is beyond frustrated and angry with the total lack of diplomatic support and absence of political leadership regarding the unlawful and arbitrary detention of a UK citizen.*”**

***“My brother's life is at risk. He is being kept in inhumane and degrading conditions for a crime he did not commit. The way his case has been handled is outrageous and the UK should feel ashamed.”***

Jagtar Singh's wife said: ***“I am consistently disappointed with the UK government's lack of effort to have one of their citizens returned home safely. Despite the Foreign Secretary's reassurances, it is clear to me that he has not actually done anything for my husband.”***

Richard Ratcliffe told the APPG: ***“Our story is a live battle, shining a light on the way the FCO copes and doesn't cope. My experience is people are trying to help, but they are limited in terms of resources and priorities and also where they are placed – and that's a policy decision the government has made.”***

These cases show similar themes to those of suspicious deaths, in that there is no insurance, victim support referral, support for translation or legal fees, or indeed consular assistance. Also, we understand from Ms Tejada that Mr Hedges' case was dealt with not by a specialised team within the FCO but by 'Country Casework Team 4 – Middle East and Africa' which presumably has a wide remit that can involve dealing with anything, including minor complications such as lost passports. These cases are further complicated by the often difficult and delicate diplomatic relations with the countries in which they are imprisoned.

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<sup>66</sup> <https://www.sikhpa.com/freejagginow/>

The APPG took evidence from Redress who reported that they previously made recommendations to the FCO<sup>67</sup> about consular assistance and diplomatic protection, calling for the FCO to develop clear criteria for a transparent exercise of consular assistance.

We also spoke to Prisoners Abroad (“**PA**”)<sup>68</sup> which, in its written evidence to the APPG highlighted the importance of proper information, consular support and advice from the FCO. PA said: ***“When a loved one dies in prison overseas the grief can be deepened by the distance, difficulty of contact with the person before they died, lack of information about procedures in that country and the extremely high cost of a funeral or repatriation back to the UK.”***

It is indicative of the level of support offered by the FCO for prisoners abroad and their families that a campaigning organization like PA has felt compelled to put links on its website<sup>69</sup> to information and forms designed for use by consular staff around the world. There should surely be no need to supplement the advice given by the FCO if it were fit-for-purpose.

Richard Ratcliffe has co-founded the British Rights Abroad Group (“**BRAG**”),<sup>70</sup> an organisation to campaign for the right to consular assistance for UK citizens.

He told the APPG: ***“There is also a real policy issue around how the UK handles imprisonment abroad and how it protects UK citizens in cases when this is unfair. There is no right to consular protection under UK law, meaning that it is up to the government's discretion whether it chooses to protect people, even in cases that are patent injustices, and that ordinary people then rely on the discretionary interest and sense of personal responsibility of the minister in charge. Which as Nazanin's case shows, can be imperfect.”***

BRAG is a coalition of a number of families of prominent consular cases (including so far those of Nazanin, Billy Irving, Jagtar Singh Johal, Matthew Hedges and Andy Tesge) who have come together to advocate for better protections for UK citizens. BRAG's first goal is to highlight the systemic aspect of this problem (it is not just a couple of high profile cases gone wrong, but has affected many people) and then campaign to have the right to consular protection enshrined in UK law.

This reflects one of the APPG's key recommendations, and the APPG further recommends working closely with BRAG on the campaign.

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<sup>67</sup> Redress (2018) ‘Beyond discretion: The protection of British nationals abroad from torture and ill-treatment’. Available at: [https://redress.org/wp-content/uploads/2018/01/3CADP-Report\\_FINAL.pdf](https://redress.org/wp-content/uploads/2018/01/3CADP-Report_FINAL.pdf)

<sup>68</sup> PA is currently supporting 1020 British people held overseas, 1716 family members and friends. Last year (2018) it helped 1624 British citizens held in prisons abroad. Available at <https://www.prisonersabroad.org.uk/>

<sup>69</sup> <https://www.prisonersabroad.org.uk/>

<sup>70</sup> This campaign is supported by a number of human rights and social change groups, including Redress, Change.org and others.

See: <https://www.change.org/p/boris-johnson-mp-boris-johnson-protect-your-citizens-abroad>

The fact that in July 2019 these families felt the need to launch BRAG serves to show the appetite for change and the increasing demand for consular assistance to be enshrined in UK law so that British citizens may understand their rights.

As an academic from Essex University told the APPG: *“Families experiencing trauma overseas have often never dealt with international incidents before and are terrified. This will often be their first interaction with the FCO and they are afraid to challenge what they are told. Often families are told not to go public or not to challenge the advice being given but as none of this in the public domain, families do not know they have a right to ask for certain things.”*<sup>71</sup>

The APPG sees an opportunity for the UK to lead the way. Whilst it is acknowledged that there is no clear legal obligation upon the UK Government to provide consular assistance, there may nevertheless be instances in which, owing to the particular circumstances of a case, especially when British citizens’ human rights are being violated or at real risk of being violated, there is a legitimate expectation that the Government will act. Several other countries have recognised an obligation on the state to afford consular assistance. The UK would in this sense not be an outlier and it absolutely has the ability to innovate. It is possible for the UK to develop a framework to develop a right.

**The APPG therefore recommends:**

### **Recommendation 3**

**Clarify the guidance around consular assistance; enshrine in UK law the right to consular assistance for all British nationals and create a separate department/agency for protection of British citizens distinct from that which currently works on diplomacy and trade relations**

- a. That the FCO clarifies and publishes its guidance around consular assistance as a matter of urgency and commits to making proper improvements around consular assistance. Specifically, it should revise, re-evaluate and thoroughly update the current policy on consular assistance, with the aim of achieving an accessible, clear and well-publicised policy that puts victims and their families at the heart of consular assistance.
- b. That the FCO stops advising the media it is providing consular assistance to families as standard
- c. That in the spirit of transparency the FCO publishes as a matter of priority its internal guidance about how it decides who is entitled to consular assistance, what criteria are considered, how vulnerability is assessed and what forms consular assistance can take.
- d. That the FCO works more closely with families to inform them when they are being assessed. Similarly, when the FCO tells the media it is providing consular assistance, it ensures the family understands what that means by explaining to them specifically what assistance is being provided

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<sup>71</sup> Call with Essex University, Carla Ferstman on 10 September 2019

- e. That the FCO changes its commitment in “aiming” to offer assistance by committing to offer assistance (see recommendation 4)
- f. That parliament enshrines in UK law the right to consular assistance for all British nationals
- g. That the Scottish Parliament considers a bill to enshrine the legal right to consular assistance for Scottish citizens
- h. That the APPG works closely with the BRAG campaign and that the UK, Scottish and devolved governments engage with the issues being raised
- i. The FCO creates a dedicated unit that is not responsible for international trade and economic interests to address the potential conflict of interests between negotiating trade deals and advocating for UK citizens.

#### Recommendation 4

**That the UK, Scottish and other devolved administrations, NPCC, Police Scotland and the FCO improve practical support for families by committing to consistent signposting to relevant agencies and establishing new relationships with specialist support organisations**

We know that most families contact the FCO as their first port of call following news of trauma overseas and that the first 48 hours is crucial. In that time, families are usually in shock and disbelief about what they have heard i.e that their relative has been killed, murdered or imprisoned in a foreign country. At that point, they start to try and make contact with the FCO, the consulate office in the country of death, police, funeral directors, airlines, insurers and perhaps others, and to get to grips with the myriad practical tasks that must be undertaken.

The FCO ought to be aware of the shock a family will experience at this stage and have a process in place to guide families through the enormity of what lies ahead of them; the numerous arrangements that will need to be made, often including flying to the country of death to identify the body, arranging repatriation, gathering documents and arranging translation and finding a lawyer, to name but a few. As a matter of common sense and practicality, and based on the evidence heard from families, the APPG recommends that a process is put in place to assist people, particularly in circumstances where there is a lack of institutional knowledge due to the staff rotation system operated at the FCO. For example, the FCO knows that airports and airlines can be contacted in advance to ease travel plans for the family journeying to the country of death or imprisonment.

Jeanette Philpotts, whose niece Jessica died in France, said: *“The FCO staff didn't meet us in either this country or in France. They made one phone call on 'how to repatriate a body' and emailed a booklet on how to do so from abroad, to my brother, directly after he had been informed of the death of his 12 year old daughter.*”

*“Our expectations were that when we learn that something tragic abroad has happened to a UK Citizen, we hear “... and the Foreign Office is in contact with the family and is doing all they can to support them.” So we expected a well-rehearsed procedure to be immediately implemented ... someone getting in touch with us and getting us to the hospital in time, but instead we were left to speak to the travel insurance company to help make the necessary travel arrangements, using our own money, which then had to be reclaimed.”*

Keith Miller, whose son Adam died in Egypt, said: *“When we contacted them on the day Adam died, the FCO sent us a copy of a book, Guide for Grieving Families. That was it ... the whole thing was down to us. I went out and dealt with it as a 'project', I had to remove the emotion, that it was Adam, and deal with it as a piece of work. I have to question if the FCO is there to help British people.”*

Mary Dejevsky, whose husband died in Italy, said: *“The consulate emailed to me what I assume is the standard Foreign Office package for such eventualities,*

*which is quite heavy reading. I don't remember anyone offering 'to take me through it', but perhaps they did."*

Mark Cook whose grandmother Violet Price was murdered in France, said: ***"People die everywhere – the FCO or the Embassy should work out how it works, create a fact sheet. It seems really straightforward."***

Sherrin Kennedy's son Jonathan was murdered in Holland, she received no support until she joined Deaths Abroad You're Not Alone (**"DAYNA"**). In her words, ***"we need to fight this ridiculous lack of support."***

Liz Chandler, whose grandson Liam was murdered in Greece, said: ***"No one from the FCO approached us on our return, the only support we had was from FLOs and Murdered Abroad [charity]. My now husband phoned the FCO in London after several months and was told it was not within their role to be of further assistance. Several months later on the advice of Murdered Abroad to take our important query to them, again he was brushed off."***

Throughout the time the APPG has been set up, it has tried to engage with the FCO and has had more than one meeting with the Head of the MMT. During one meeting, the Head of the MMT told us what they provide by way of practical support to families:

***"For murders, the FCO introduces people to the victim support homicide service who can provide bereavement counselling, help support and advise on repatriation and offer pro bono legal advice. And if [the family is] going to travel, they can link in with Winstons Wish who can assist with specialized needs. [We] will make the referral to families several times but can't force them to take it up. The FCO should give them a phone and email and make sure that victim support / a Family Liaison Officer is offered then too. Lots of policies have changed from 2015. Now [the FCO] works closely with the Ministry of Justice who we link in with. The FCO has 3 global contact centres which operate 24/7 – it would be useful to know where to focus [efforts] if things are not being delivered."***<sup>72</sup>

Whilst it was welcome to hear that lots of policies have changed since 2015, the APPG nevertheless has several concerns. First, the message seems inconsistent with the evidence that families have provided.

Julie Love, founder of DAYNA told the APPG: ***"The common theme [amongst families] is lack of support from the FCO. I was involved in the 2014 consular inquiry and attended session with the committee. It was really in depth but the government response was pants. They said they wanted to be the best consular service in the world, but we still have families coming forward not getting what they were promised in 2014. I'm so frustrated that things haven't moved forward. I thought everything would be great after 2014, but I feel for the families who get this news and expect help and support, but get nothing."***

Whilst it is entirely possible that the FCO refers homicide victims to support agencies and follows up by phone and email in some instances, this is clearly not happening in

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<sup>72</sup> Meeting with former Head of Murder Manslaughter Team, Samantha Elmes 13 September 2018.

all cases and such an inconsistent approach is unacceptable. Consistent referrals and signposting are required.

The APPG recommends that the FCO takes the lead co-ordination point between the support agencies and family making relevant referrals and stay in touch up until such point as a family is embedded with the support network. This would ensure families are not left stranded with no support network, preventing secondary victimisation.

As the NPCC lead told the APPG: ***“I would expect FCO staff to act as a conduit between the foreign jurisdiction and the UK family, using their knowledge and awareness of the relevant jurisdiction”***.<sup>73</sup>

Another concern is about the size of the MMT, which is a team of only five people: one person covering Asia and the Pacific; one covering The America’s; one for the Middle East and Africa; one for Coroner Liaison and Europe and the fifth is the Head of the MMT. Given the acknowledgement by Minister Mark Field in the House of Commons in 2018 that ***“these cases are complex”*** and based on the first hand experiences of constituent cases and evidence taken, the MMT appears to be significantly understaffed. The APPG also believes the MMT is not adequately equipped to cope with the cases it is handling.

According to the FCO, between 60-90 British citizens are murdered outside the UK each year. The head of the Murder Manslaughter Team (MMT) believes that they are equipped to provide support and when asked whether it was feasible that they deal with those cases, said:

*“Yes definitely we’re set up to do that. There are 4000-4500 deaths abroad every year; around 60 are murders abroad. There are 777 consular officers around the world and 5 consular officers in MMT. We are equipped within consular policy to deal with it.”*<sup>74</sup>

The language used by the Head of the MMT was of interest when she told the APPG that her team is well-equipped “within consular policy” to cope with the work it receives, however, that in itself suggests that the design of consular policy does not go far enough, given the needs and demands of British citizens on an on-going basis, as well as the numerous complaints we have heard.

The next concern is over the rate at which changes are purportedly being made. A letter from the Ministry of Justice to the Chair of the APPG in February 2019 outlined: ***“The new Homicide Service will provide a range of improvements to current provision, including...the removal of divisions between pre- and post-2010 support. The aim of the new service is to help ensure the best possible support to those bereaved by murder and manslaughter, regardless of date of bereavement or whether it happened at home or abroad.”***<sup>75</sup>

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<sup>73</sup> Meeting National Police Chiefs’ Council lead Commander Stuart Cundy on 7 May 2019

<sup>74</sup> Meeting with former Head of Murder Manslaughter Team, Samantha Elmes 13 September 2018

<sup>75</sup> Letter dated 5 February 2019 from Parliamentary Under Secretary of State for Justice Edward Argar MP to Hannah Bardell MP



Notably, the Ministry of Justice announced this new National Homicide Service<sup>76</sup> in December 2018, to take effect from 1 April 2019. In the same announcement, it was said that the new National Homicide Service will be provided by Victim Support and partnered with nine other organisations<sup>77</sup> to offer practical support; specialist support; peer support; offer clear links with local services; access to free legal advice and **“there will be enhanced funding and support for families bereaved abroad.”**<sup>78</sup> The fact that practical, specialist and peer support are being recognised as key is a very positive move forward, however, that recognition so late in the day only emphasises the situation pre-April 2019. It adds to the suggestion that the work committed to by the FCO in 2015 about getting it right for these families has not been done and further highlights the need for collaboration between the FCO and MoJ. Similarly, the decision to include families bereaved before 2010 in this new service speaks volumes about the lack of resource and support available to them up until now. Worryingly too, this only covers “homicide” victims (see more below and recommendation 2), which as we know excludes many others also in desperate need. We also understand that ASSIST Trauma Care had previously been a partner organization and that families had found its services beneficial, however, this is not on the list of nine new support agencies.

Whilst it appears to be the case then that the FCO and MoJ have been making moves since 2015 to improve support for families bereaved overseas, the FCO and MoJ have actually had arrangements in place for longer than that for people to be able to access practical support. Crucially, however, this has continually been poorly communicated to families who need it. The APPG interviewed Matt Searle, Chief Executive of the Lucie Blackman Trust (“LBT”), who told us that: **“Ultimately... a lot of the complaint around FCO’s services revolves around what they can’t do. We can all do more here by making it clearer what can be expected and, rather than dismissing FCO ‘can’t dos’, explain to families exactly why it is they cannot do them. Families often understand when this is clearly explained and crucially, benefit when other means of achieving the outcomes are presented.”**<sup>79</sup>

For information, in the FCO’s response to the FAC 2014 review of consular policy, it was stated up front: **“We will continue to make clear to our staff the importance of telling people about what we can do rather than focusing on what we cannot.”** However, it is clear that this commitment has not been followed through.

Mr Searle told us that: **“the [Lucie Blackman] Trust has worked in partnership with the FCO for more than a decade and has seen, as well as been consulted on, many changes. Over this period it has become apparent to the Trust that the FCO has a huge number of excellent staff.”**

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<sup>76</sup> Ministry of Justice (2018) *Support for families bereaved by murder and manslaughter: the new National Homicide Service*, available at <https://medium.com/@MoJGovUK/support-for-families-bereaved-by-murder-and-manslaughter-the-new-national-homicide-service-8c633b89d09a>

<sup>77</sup> Advocacy After Fatal Domestic Abuse; CALM Mediation; Child Bereavement UK; Hundred Families; Lucie Blackman Trust; MIND; Remedi; SAMM National; Shelter; St Giles Trust; Winston’s Wish

<sup>78</sup> Ministry of Justice (2018) *Support for families bereaved by murder and manslaughter: the new National Homicide Service*, available at <https://medium.com/@MoJGovUK/support-for-families-bereaved-by-murder-and-manslaughter-the-new-national-homicide-service-8c633b89d09a>

<sup>79</sup> Call with CEO of Lucie Blackman Trust, Matt Searle on 17 August 2018

***“The Trust provides logistical support across a vast range of case types, but most relevant for this APPG are those of deaths abroad – specifically murder, manslaughter and suspicious deaths, but also what the Trust terms traumatic deaths, such as suicide.***

***“The Trust has found that in many cases, perhaps more than half of all death abroad cases it has worked on, that people have not approached the FCO or its partner charities because they have been actively discouraged from doing so.”<sup>80</sup>***

Mr Searle said families have been told there is ‘no point’ or that ‘they will just let you down – it is a waste of time’. He added: ***“Families that do reach us after periods of following advice such as that above, have often commented that ‘we wished we had known about you in the first place.’”***

Herein lies one of the biggest problems around consular and NGO support following a trauma overseas - that families are not made aware it exists. This is a key point that the APPG seeks to address and have improved; that the means of achieving the outcomes are presented, even if not achievable by the FCO directly.

The APPG attempted to get information from the House of Commons Library about whether the FCO provided funding to support organisations such as the LBT. They told us: ***“The exact information you have asked for is not published.”*** The response said: ***“There is no mention of the LBT or a reference to funding for other charities ... in the FCO’s Annual Accounts”.*** However, it did say that the FCO confirmed in April 2017 that it has a ***“close working relationship’ with the LBT.”<sup>81</sup>***

The response also highlighted: ***“It may be of interest to note that the Department of Justice in 2010/11, put aside £53,400 for the Lucie Blackman Trust, out of its total spend in that year for Victim Support of £44.25million and granted it £45,000 in 2011/12.”***

The APPG also made enquiries to VSHS who told us: ***“We work collaboratively with the FCO and have a formal arrangement in place for referrals by the FCO to the National Homicide Service within 24 hours of the start of the investigation where there is a murder abroad.***

***“Our formal contract for the Homicide Service is with the MoJ, but an element of the contract is related to the FCO work, and they contribute to the funding.”<sup>82</sup>***

VSHS said the FCO gave it £120,000 for 2018/19 and this was expected to rise to £180,000 for 2019/20. VSHS also said it had worked with the FCO since the homicide unit was established in 2010.

Clearly, up to date information is not freely available and the fact we had to go digging to join the dots suggests transparency is needed. Importantly, it seems that funding being provided by one government department - in this case the MoJ to Victim Support - is not benefitting those citizens who are contacting the FCO and that collaborative

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<sup>80</sup> Call with CEO of Lucie Blackman Trust, Matt Searle on 17 August 2018

<sup>81</sup> Full library response is at in Appendix 1

<sup>82</sup> Reply to questionnaire from Victim Support Homicide England and Wales, February 2019. Please see Appendix 1

working is not being made apparent. It is not lost on the APPG that funds are tight but that is no excuse for withholding information from families about the support available to them. Transparency about what this funding should cover and the amounts dedicated to it is also needed.

As Julie Love, founder of DAYNA told the APPG: *“I understand considerable funding was given to NGOs to assist families, mainly in the area of Murder and Manslaughter however there is no adequate method of analysing the consistency or transparency of support provided and it's occasionally only after there has been failure in support or guidance, either by FCO or partners that families seek the services of Murdered Abroad or DAYNA, by this stage the families are often re-traumatised by the lack of support/guidance whilst dealing with traumatic events surrounding the death.”* This also supports the point made earlier about the need to avoid secondary victimisation of these families.

It is reassuring to hear the FCO is working collaboratively with the VSHS and the LBT but if people are not aware of this it can be of little benefit, therefore it is imperative that this is improved. As such, the APPG recommends that the government departments (usually the FCO) being contacted by traumatized families must better communicate the practical support that is on offer to those who need to access it. As the Victims Commissioner for London told us, FCO caseworkers and VSHS caseworkers have to be joined up and agreed as to who will provide what support. She said families are not widely supported and there is not much openness and transparency about what they are entitled to and what they can ask for.<sup>83</sup>

When MPs write on behalf of their constituents they are similarly not informed of the services available and the APPG believes the FCO is doing itself a disservice by keeping quiet that there are support arrangements in place and by failing to consistently tell people about them. By way of example, correspondence sent to families and to MPs on behalf of constituent families regularly includes the line: **“The FCO does not fund or provide translation”**, a phrase which is misleading to say the least.

The office of Hannah Bardell MP for Deborah Pearson, Adam Maxwell, Brian and Denise Curry and William Boland wrote letters to the FCO in all of their cases between 2015 and 2019 yet, was never informed about the LBT and that it could help with translation of documents. Deborah Pearson spent four years trying to get a translated autopsy report and that was in spite of numerous attempts by her, the MP's office, the press and others, so we know from our own experience of working with constituents that information about these kinds of support is not forthcoming as standard<sup>84</sup>. Where the FCO is funding support agencies such as the LBT who can provide help with translation, then it is indirectly funding translation.

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<sup>83</sup> Call with Claire Waxman, Victims Commissioner for London, 8 February 2019

<sup>84</sup> Letter dated 11 August 2016 from Tobias Ellwood MP Parliamentary Under Secretary of State to Hannah Bardell MP stated: *“the FCO does not translate formal documents because this type of support is best provided by independent professionals and we do not have the funding or expertise to provide such specialist services.”* No mention was made of the Lucie Blackman Trust or other support agencies. Please see Appendix 1

Moreover, the phrase “*The FCO does not fund or provide translation*” offered as a standalone statement without the addition of what help is available or where it can be found actually causes people further trauma contributing to secondary victimization. That is clear by the fact that at all of the APPG evidence sessions families quoted back this phrase time after time, like a mantra that has stuck with them and, understandably, they have repeatedly interpreted this stock response as a lack of interest in their situation or attempt to help, adding to their great sense of despair.

We are realistic that the FCO cannot easily or directly provide translation services, bereavement counselling or all of the other requests that can arise in these complex cases. However, we are very clear that where the FCO is funding other organisations to provide assistance in these areas, it ought to commit to consistent signposting not only for murder and manslaughter victims but for the other families who face trauma abroad.

In Scotland, we have heard from the Death Certification Review Service that they have two providers of translation services in Glasgow for any documents which require translation in relation to their work around a death abroad. The APPG recommends that DCRS accepts requests from families bereaved abroad by murder, manslaughter, in suspicious or accidental circumstances for translation of documents. This would be fitting given the Scottish Victims Code makes provision for domestic victims to ***“request translation of a document if it is provided to you by law or if it is essential to your participation in the investigation or proceedings.”***<sup>85</sup>

As Mr Searle told us, the LBT provides support in cases of suspicious deaths, but that has never been explained to us by the FCO and whilst some changes may have been made since 2015 and the establishment of the MMT, that team excludes those bereaved in suspicious circumstances or tragic accidents who nevertheless have the same or similar needs for bereavement counselling, translation of documents, legal support and other practical assistance that homicide victims do.

Alison and Phillip White’s son Richard died in Thailand and they were suspicious about the cause of his death: ***“During our attempt to gather information that could provide a logical storyline, the most challenging aspect was translating the paperwork. It was hard for us to get autopsy and corresponding reports in English. We hired an independent translator which, over the years, cost thousands of Thai Baht. Translations were inconsistent and Embassy involvement was very minimal. We were not provided with a FLO, referred to FCO funded NGO, victim support or the Lucie Blackman Trust.”***

John and Ceri Channon, whose son Thomas died in a tragic accident Spain, said: ***“We were informed by local police that Tom had died, although it was unclear what happened. They provided us with a telephone number for the British Consulate in Palma, but informed us there were no arrangements for a liaison or support officer to visit us once they had left ... There was no suggestion that we would be contacted by an appropriate charity and we were not given details of any***

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<sup>85</sup> The Scottish Government (2018). *Victim’s Code for Scotland*, p. 6. Edinburgh: Crown. Available at: <https://www.mygov.scot/victims-code-for-scotland/victims-code-scotland.pdf?inline=true>

*such organisations that specialize in supporting families under such circumstances.*

*“When the police left we rang the British Consulate but the contact person had very little information concerning Tom’s accident and informed us that they couldn’t provide any assistance or support because it happened outside of British jurisdiction. Following heated conversations between us, we were advised to contact the FCO in London. A similar response was received from the latter.*

*“The FCO did not provide details of a family liaison officer or any FCO funded NGOs... Following the greatest shock that any parents can receive, and the emotional trauma that this entails, we were then left to deal on our own with all the administrative matters that have to be dealt with in such a situation.”*

Brenda Lawson, whose daughter Jessica died whilst on a school trip to France, said she fought for a year to persuade authorities that she needed help from VSHS and that the Head of *“Victim Support acknowledged the gap in support for our unique circumstance.”*<sup>86</sup> She added: *“The issue for us is the complete lack of any aftercare from the UK.”* In an email to the FCO’s Head of MMT in May 2018, Mrs Lawson wrote: *“What is clearly obvious is that there was no process in place to respond to the fatality of a school pupil and/or within that process ...look after the parents... There is a glaring gap...”*<sup>87</sup>

These cases are only three of many that highlight the needs of families of suspicious and tragic accidental deaths are similar to those of homicide victims, yet these families are being left out in the cold with no signpost to any support. The APPG has also heard many cases are not immediately obvious as murder or manslaughter at the outset (see recommendation 2). As mentioned previously, many deaths were framed to look like accidents or suicide, which would mean those cases would not be placed under the MMT either initially or perhaps, at all. We do not have information on how long it takes before a case is placed with the MMT. This highlights some issues regarding inconsistencies with signposting.

Another contentious stock phrase that has been highlighted to the APPG is the FCO’s recital that: *“We cannot interfere in a foreign jurisdiction.”*

Gurpreet Singh Johal, whose brother Jagtar has been imprisoned and tortured in India, where he remains, said: *“I have relayed the family’s concerns to the FCO and been advised they cannot interfere in another country’s legal process, but I firmly believe the FCO is using this as an excuse not to do anything and if they wished to, they could have my brother out on bail at the very least. The FCO’s strategy is not effective and has been ineffective since November 2017.”*

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<sup>86</sup> Brenda Lawson email to APPG

<sup>87</sup> The FCO response was: *“I am sorry the systems have not flexed enough to provide you with the support that you need...I fully agree that proactivity needs to be at the forefront of our minds when faced with cases such as these. I have since fed back to our training team, senior staff and my own team that we need to be more directive in our approach – ensuring families know what next steps need to be taken and are not faced with an overload (or not enough) information.”*

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As for not being able to interfere in a foreign jurisdiction, families have rightly questioned how it has been seen in some cases such as that of Madeleine McCann. As Lehanne Sergison whose aunt Christine was murdered in South Africa, said: ***“South African Police practically begged the UK to intervene and help but they said they needed it in writing and refused.”***

The APPG met with Frank Brehaney, former consumer director of the independent travel consumer organisation HolidayTravelWatch (“**HTW**” [no longer operating]). Mr Brehaney has 20 years’ experience both in the handling of holiday claims and as a consumer campaigner. Since leaving HTW he remains associated with consumer issues, including holidaymakers’ rights. He believes strongly that we need a multi-agency approach; on one aspect he said: ***“The UK Police does not need to be invited to investigate abroad. There are international and cross-border instruments along with important human rights obligations that can and should be used. This would help grieving families and ensure that UK police become partners in criminal investigations abroad.”***<sup>88</sup>

The APPG has asked both Police Scotland and the NPCC about this and the responses are inconsistent. It seems it is down to a willingness by the individual police force about how they allocate resources, since it is the decision of each force’s Senior Investigating Officer.

Retired police Commander David Johnston told us that whilst the police may not have the locus to investigate in a country unless asked, they could and in his view should, provide an appointed SIO and FLO to act as a local point of liaison between the family and consular officers to help families. As he explained, police officers can provide useful advice and signposting to other counselling services and advice on coroners procedures and help with repatriation. They can also help to collect evidence or interview witnesses who may have returned from the country where the crime occurred. The context is that, for the families, regardless of where their loved one died, they are still in shock and need support and this is a role the UK police have taken on for many decades.

Commander Johnston gave us this example to explain his point. He said: ***“Consider one person whose son dies in Bristol – the family get full support from the police. Their next door neighbour’s son dies in Thailand – the family get a death message and a telephone number for a consular officer. The impact on both families is the same, yet the support is not.”***<sup>89</sup>

In fact, as the APPG sees it, the support is drastically different and that in itself, as explained by the victim support and psychology professionals, damages those families further. On the basis of all the APPG has heard, we recommend that police in the UK are given more of a role in assisting families in the way described by Commander Johnston above. That would have the additional benefit of taking the burden off police forces about the implications or costs of sending police officers overseas.

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<sup>88</sup> Meeting with Frank Brehaney and APPG dated 16 October 2018 and email to APPG dated 3 October 2019

<sup>89</sup> Call with retired Police Commander David Johnston on 11 September 2019 and email dated 24 October 2019

Commander Johnston also told us that he would strongly support the setting up of an international cadre with police, lawyers and appropriate forensic support to allow these international matters to be properly dealt with on a UK wide policy basis, rather than on the current postcode lottery, which operates. He wrote a paper in 2007 to the Home Office suggesting just that but to no avail. The APPG therefore recommends that the UK Government considers this idea afresh and that a meeting is arranged with the relevant government departments, the APPG, the police and others to discuss how it would work.

Further to mentions of NPCC and Police Scotland in Recommendation 2, the APPG recommends that NPCC and Police Scotland meet to discuss and agree a consistent approach for families bereaved abroad which would offer a local point of contact to liaise with the consular office and convert something into understandable language to a family, giving them information or advice on repatriation and victim support services.

We know from family evidence that involving local police to help understand technicalities related to police matters in another country can be beneficial. Roger Parrish said: ***“I received quite technical letters about DNA the French authorities were holding in respect of Joanna but understanding what they meant was hard, so I got involved with the local UK police and they were hugely helpful.”***

The APPG wholeheartedly agrees with enlisting the support of those with the relevant experience in these situations and when there are experienced people within the UK who can offer meaningful help it makes sense for this to be utilised. The APPG would therefore recommend that along with consistent signposting to the support agencies the FCO already has arrangements with, that it establishes new arrangements, processes and collaborations to ensure that all angles are covered. Specifically, we recommend the FCO meets with NPCC, Police Scotland and the Coroners Service to agree a new collaboration.

Similarly, from family evidence given, there is a need to establish new relationships with organisations who can provide specialist support. Currently, whilst there may be some signposting to VSHS or the LBT, there is nothing in place at a governmental level to assist people when they need legal support. To be clear, we are not recommending that a government department recommends a specific law firm or lawyer, rather the APPG recommends that the FCO refers families to organisations within the UK who can help assist them in finding a lawyer.

To explain; the FCO knows that a family will often need a lawyer in the country of death and states regularly that it does not have a legal role. It does, however, offer a lawyers list to families, which many told us needs further work.<sup>90</sup>

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<sup>90</sup> This despite the fact it was acknowledged in the 2015 Review of Consular Assistance, which said the FCO would consider how to use *customer* feedback on lawyers and other service providers, and also outsourcing and making the best use of information held by other countries. Available at [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/396496/FCO\\_review\\_of\\_consular\\_assistance\\_following\\_murder\\_and\\_manslaughter\\_cases\\_overseas.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/396496/FCO_review_of_consular_assistance_following_murder_and_manslaughter_cases_overseas.pdf)

The list of lawyers currently provided to families has been described as sparse of detail; simply containing names of lawyers with no explanation about their legal specialism and relevant expertise, or whether they can actually speak English.

Adam Maxwell, whose wife Kirsty died in Spain, said: ***“We were given a list of lawyers, just a name with a contact number, no experience or expertise was listed. We didn’t know where to start. We had to be in court the next morning because the man arrested in question over Kirsty’s death was appearing, and if we wanted to be represented we had to have a lawyer. We tried two with no luck. We reached the third at 11.30pm, he spoke in very broken English but we had no choice, we needed him for 9am. He was unaware of the case and was a conveyancing lawyer, not a trial or criminal lawyer.”***

Gurjit Thandi’s uncle Rajpal died in India. She told the APPG: ***“We were given a list of 20 lawyers, all very expensive, but no information on their experience or expertise.***

***“The FCO could have been sympathetic, but they weren’t. It was very harsh to be told there was nothing they could do help.”***

We do not know how often the FCO updates these lists, other than that it was supposed to be done after the 2014 Foreign Affairs Committee review. One family suggestion was that the FCO takes feedback from families about good lawyers overseas and adds them to its list, which the APPG also recommends.

The APPG met with London based law firm Stewarts, experts in international personal injury law and whose lawyers act for the victims of life-changing injuries and in fatal accident cases on a cross-border basis. Stewarts’ international injury lawyers have been involved in many of the leading cases that have shaped the law in this complex area, and are ranked as a top tier firm for international injury and fatal accident claims by the independent legal directories. We understand Stewarts has previously contacted the Director of Consular Services within the FCO to offer assistance to families in this area, potentially on a pro bono basis.

Christopher Deacon, a partner in Stewarts’ Aviation and International Injury department, said: ***“Whilst the FCO no doubt has the best intentions in trying to signpost Brits to local lawyers, there is no quality control on the lists of foreign lawyers given to bereaved families or seriously injured Brits whatsoever – we know through tried and tested relationships who to turn to in foreign jurisdictions to ensure families get the very best representation.”***<sup>91</sup>

In our discussions, Stewarts recognised that the FCO understandably (like most government departments) is restrained by its limited resources; it was with this in mind that it made proposals to implement a system of signposting to UK based lawyers for bereaved families or seriously injured British Nationals following an accident overseas.

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<sup>91</sup> Meeting with Christopher Deacon, partner, Stewarts, London - 10 April 2019



We similarly met with Digby Brown in Edinburgh where a lawyer there dealing with deaths abroad cases said he had used the FCO lawyers list and found it unreliable, with lawyers not returning calls or emails at all in responses to requests for paid work.<sup>92</sup>

If a law firm in the UK offering to pay for the services of a lawyer in a foreign jurisdiction cannot get a reply, what chances do struggling families without the budget to pay a lawyer have? It shows the lists don't always work and for a family doing this alone, it is another administrative mountain to climb and probably one of the most difficult things a family can go through at a time when they have the least capacity to function or think clearly.

Brian and Denise Curry whose daughter Kirsty died in suspicious circumstances in Spain, said: ***“The ‘lawyers list’ supplied by the consular was scribbled down on a scrap of paper. We spent the evening phoning lawyers, giving a synopsis of what happened and the next morning had just 30mins to brief him before court.*”**

***“The lawyers list should only have experienced lawyers on it, with details of their area of expertise. This was in the 2014 consular review, which should have been addressed by now.*”**

***“Overall we felt emotionally mugged, financially fleeced and alienated in not only a foreign country but within our own.”***

It is essential to make sure that bereaved families are put in touch with people who have experience in dealing with these cases – be it a criminal matter or an accident abroad - and that they are supported through what will often be completely unfamiliar territory.

There is no reason why provisions could not be put in place to ensure these families are not left alone to deal with this process and that argument becomes more compelling when we see specialists like Stewarts offering to assist the FCO and suggesting that this can be done. Whilst we appreciate the government may not wish to be seen as recommending any one particular law firm, legal services have been a longstanding feature of NHS major trauma centres where patients and the families of those seriously injured and admitted to hospital can be put in touch with lawyers who advise on a range of issues following a serious accident.

Furthermore there are other options available to ensure bereaved families get the specialist support and advice they need, at no cost to the UK government.

The Association of Personal Injury Lawyers (“**APIL**”) has various lawyers throughout the UK who are accredited for cross-border cases and may in fact be able to help. We recommend that the FCO refers families to an organization like APIL which holds a list of lawyers in the UK and which often works with lawyers in other countries. At the very least, the APPG recommends the UK, Scottish and devolved governments and the FCO meet with APIL to discuss what could be offered and with a view to arranging a service whereby a family can be referred to speak to an APIL accredited lawyer who

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<sup>92</sup> Meeting with Digby Brown, Edinburgh dated 25 June 2019

may be able to represent them and/or help them seek the legal representation they need.

We would also recommend that the UK Government and FCO meet the Law Society of England and Wales and the Scottish Government and FCO meet the Law Society of Scotland to discuss arranging a service whereby a family can be referred to speak to a UK lawyer who specialises in international cross-border cases.

By the same token, the Pan European Organisation of Personal Injury Lawyers (“**PEOPIL**”) has a base in the UK and has connections internationally.

The APPG spoke with Clive Garner who is one of the founding members of PEOPIL and a member of its Management Executive Board. He is also a partner at the law firm Irwin Mitchell. Mr Garner has worked on cross-border international personal injury cases for almost 30 years. He and his colleagues have litigated many thousands of cross-border claims in the UK as well as overseas, taking cases all the way to the European Court of Justice and been involved in a number of landmark judgments in relation to the death and serious injury of UK citizens whilst outside the UK.

Mr Garner took the time to share his experiences and was encouraged to hear that the APPG has been set up as he has long felt there is a gap in consular assistance for British citizens who get into difficulties overseas, not only in cases of death but also serious injury. He mentioned having worked with fantastic people in the FCO but suggested this was person dependent and was not consistent.

Discussing the lawyers list that the FCO gives to families, Mr Garner said: ***“We know at the moment the lists aren’t working. We see that a lot. You’ve heard that. Whilst the FCO cannot recommend individual law firms, it can be advantageous to families to put them in touch with lawyers at home who can then help to put them in touch with specialist lawyers overseas if immediate local help is needed (as well as being able to advise about the option of pursuing a case in the UK). There can be many advantages of bringing a claim in the UK that people may not otherwise be aware of if they have not been in touch with a lawyer in the know in the UK. These include the possibility of recovering substantially higher levels of damages as well as their legal costs. In addition, bringing a claim in the UK will avoid the many logistical challenges, expense and delays which are common in pursuing claims through foreign court systems.*”**

***“All members of PEOPIL are experienced in personal injury work. PEOPIL has almost 500 members including members in 25 of the 28 EU member states as well as in non EU countries including the USA, Canada and Australia. It would be great if families in need of immediate help could be referred to PEOPIL, where they would be able to access suitably qualified and experienced legal advice and representation.*”**

***“Losing a loved one at any time is immensely difficult, but doing so overseas adds to the complexity, uncertainty and anxiety of the situation. We see many more personal injury than death cases and I would have to say there is an equal need for additional help for families involved in serious injury abroad e.g. when*”**

***UK citizens are hospitalised for long periods or need to be repatriated to the UK. There is no doubt that there is a real need for enhanced support and assistance.”<sup>93</sup>***

The APPG recommends the UK, Scottish and devolved governments and the FCO meet with PEOPIIL to arrange a service whereby a family can be referred to speak to a lawyer who may be able to help them seek the legal representation they need. To be clear, we are not recommending the FCO finds families a lawyer because we recognise the difficulty with that. We are simply recommending that the FCO signposts families to people who have experience of where lawyers can be found.

If the FCO were to recommend law firms in the UK to assist families then a further safeguard would be for those law firms to be required to provide a list of specialist fatal accident firms to ensure that families are being given freedom of choice in who to instruct should a legal claim be identified.

Simply leaving families with an often inadequate list of lawyers in a foreign jurisdiction has been described by them as abandonment. For people who are already experiencing trauma and grief this amounts to secondary victimisation.

The APPG has also heard from a number of families during the evidence sessions about how difficult it was travelling to collect or identify the body of their loved one in the country of death and some of the challenges navigating the airport. The APPG recommends a new close collaboration with and within the travel sector to create a seamless support framework for families.

Pamela and Andy Russell, whose son Cameron died in Bulgaria, said: ***“We had no idea what to do. Cameron’s friend got us on a flight, and the Embassy booked us a hotel. The tour rep took us to the hospital. The staff in the hotel were unhelpful, everyone was hostile and unfriendly, it was very frightening and we didn’t know where to turn for help. It was really difficult to get a flight home, I had a panic attack and was very distressed and upset, and people at the airport were just staring.”***

***“We were told there were no seats on the plane, it was overbooked, and even when we explained what happened no one would help. We went from desk to desk asking for other flights. We were offered one seat on a flight to Luton and one to Gatwick. I’m scared of flying, so this was very traumatic, I felt totally abandoned and heartbroken.”***

Travelling to a country knowing that a loved one has died or is in hospital/prison is distressing. But to then have to travel back with their body is even more stressful. Add to this the fact that families are often travelling during holiday season, when the airport is packed with holidaymakers and the flights can be noisy with stag and hen parties, and the whole experience becomes utterly traumatic.

Allen and Jayne Johnson’s son Will died in Ibiza. They said:

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<sup>93</sup> Call with Clive Garner, Executive Board Member of PEOPIIL on 20 August 2019

*“If one thing could come out of this horrifying experience then I would wish that airlines must be made aware of this terrible plight. Surely it is time for some changes to be made?”*

*“The vast amount of people travelling on holiday flights and there appears to be no simple procedures in place to cater for such tragic relatives who after finally getting a flight from anywhere in the UK to be with their loved one as soon as possible then have to endure the queuing at check in and again whilst waiting to board all in the midst of happy holidaymakers.*

*“Simple procedures surely could be put into place to ease the appalling situation of a confused dazed and disbelieving parent on the outward journey and the totally grief stricken parent who had the most unimaginable harrowing experience of my life identifying my son and then had to leave my child lying in the mortuary and make the same journey home.”*

*“If the airport and airline could be informed in advance that bereaved parents/relatives are travelling could they possibly be fast tracked through check in, security and boarding and also cabin crew informed of the situation.”*

The APPG met with a number of stakeholders in the travel industry including: Edinburgh and Heathrow Airports; the Airport Operators Association (“**AOA**”); BAR UK (the Association of Scheduled Airlines operating within the UK); the Association of British Travel Agents (“**ABTA**”); the International Air Transport Association (“**IATA**”) and the UK Department for Transport.

From them, we learned significant behind-the-scenes information about the complexities of travel. The reality, as ABTA explained, is that only around 50% of travel is booked via a travel agent with many people choosing to book flights and accommodation separately, online and using sites such as AirBnB.

For online bookings, the information that can be communicated will differ depending on the quality of the airline. For example, a low-cost carrier may not have as many options on its website for entering information about additional requirements. Unless it has a call centre (which some low cost operators do not) online booking systems do not have drop down/free text boxes in which to explain the desperate situation our families find themselves in and this means there is no clear channel of communication.

Additionally, the vast automation at the airport, which is only set to increase over the next five years, means human contact with an airline will not necessarily happen and the airport staff are managed and operate completely separate from airline staff.

Moreover, many airlines and airports outsource tasks such as baggage handling to third party contractors, so for a passenger in distress looking for assistance, the journey from booking a flight to airline check-in desk to aeroplane to airport – and back again - is not going to be straightforward.

Clearly this is an undesirable situation for these families and the APPG has been exploring what moves the government and industry could take to improve the passenger experience for them.

For information, the APPG submitted a response to the Aviation Strategy 2050 consultation on the Passenger Charter to feed in some of the issues highlighted by this report and to ask for a discussion with airports and related stakeholders about what might be offered to families in very distressing situations.<sup>94</sup>

The response from the Rt Hon Chris Grayling MP, Secretary of State for Transport was encouraging.<sup>95</sup> In his letter he said: ***“I agree that, where possible, government, airports and airlines should seek to help bereaved families travelling by air at such difficult times. The evidence you have provided will be taken into account when developing the passenger experience section of the final Aviation 2050 strategy. I have asked for my officials to meet you and look forward to further engagement with you on this important issue.”***

Following the Cabinet re-shuffle in the summer of 2019, the APPG wrote to the new Minister for Transport and received a very positive response from Parliamentary Under Secretary Paul Maynard who said: ***“I look forward to reading the APPG’s report when it is complete and I would be happy to consider what we can do to support it and raise the profile of this important issue.”***<sup>96</sup>

There are a number of options that could be considered to mitigate the hurdles faced by bereaved families when travelling overseas.

During a meeting with Edinburgh Airport, we discussed the positive implementation of their lanyard system for passengers with silent disabilities such as autism, and management was extremely encouraging that a solution could be found for this scenario also.

Like most things, if they have notice, they can make special arrangements for people. In principle, Edinburgh Airport is open to a pilot scheme and implementing the Pearson-Maxwell Protocol, which would involve listening to these families about what their needs are and implementing a special process to support them on their journey. Similarly, Heathrow Airport said it was willing to get round the table with other airports, the AOA, ABTA and some airlines to see what might further be done.

The AOA explained that insurance companies take care of repatriation and from an airport perspective, most of the time they are not informed about what an airline is carrying in its hold.<sup>97</sup> An airline will be aware of repatriation, as they make arrangements with relevant organisations, such as specialist handlers, for the transport of a coffin, but an airport will not be. Ultimately though, insurers decide which airlines they use for repatriation and usually have an agreement with them. Similarly, an airport may not be aware if a family is coming to the airport to collect the body because the family will only have spoken to the insurance company or funeral director directly.

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<sup>94</sup> Hannah Bardell MP response to Aviation 2050 consultation. Please see Appendix 1

<sup>95</sup> Letter from Rt Hon Chris Grayling MP, Secretary of State for Transport, dated 15 July 2019. Available in Appendix 1.

<sup>96</sup> Letter from Parliamentary Under Secretary for Transport Paul Maynard dated 12 September 2019

<sup>97</sup> Meeting with Airport Operators Association, Henk van Klaveren on 9 April 2019

From various discussions with the above mentioned stakeholders, it would appear the best way for information to reach the place it needs to would be either through the FCO or the police. We recognize that airlines and airports would have to trust that the message is legitimate and this is more likely if the message comes from police to airport police (or FCO to airport police). As most airports have their own police forces, the link could easily established and would not be too onerous as we are not talking about large numbers.

The APPG also believes this is a workable solution because joined up working between government departments, police and the aviation/travel sector already exists. For example, we know that the Home Office and police work with airlines and airports where an overstayer is being escorted out of the country so there is no reason why the FCO and police could not communicate with airlines and airports in circumstances where a bereaved family is to travel. Similarly, there are protocols in place for minors travelling on their own, so surely it must be possible to do something here.

BAR UK (which represents 70 airlines, but not the lower cost airlines) agrees that a request from police at the airport to the airline would be a good option; they can then engage with the airline duty manager for that flight departure to discuss what could be done for the bereaved family.

We also discovered from Mr Keller at BAR UK that there is an Airline Operators Committee (“**AOC**”), which includes handlers and service providers at most airports, which could be the right vehicle to identify and discuss all the issues and relevant solutions.<sup>98</sup>

We understand that airlines use a global IATA code for VIPs or VVIPs but there is no specific code for catering for a bereaved family. The APPG explored with IATA the possibility of creating a new code specifically bereaved families travelling overseas.

Simon McNamara from IATA said whilst introducing new IATA codes was possible, it was a lengthy and complex process, requiring extensive approval so ***“it may be better to look at a way of getting airports and airlines to join up.”*** He mentioned the EU Passengers with Restricted Mobility legislation (“**PRM legislation**”) being one way of passengers pre-notifying an airline about, for example, a hidden disability and suggested that same legislation could be used by bereaved families travelling overseas to highlight a particular special need in the hope that they would respect the special needs in these cases.

Based on other information the APPG heard, we have doubts about the workability of relying on the PRM legislation. As Mr Keller explained, all sorts of requests are made through online booking systems and many non-standard requests get filtered out. He said: ***“To give the best chance of it happening, you would need to rely on the message being communicated from UK police (or FCO) to airport police. Otherwise, the decision is not made at a senior enough level to be accepted through the online booking system.”***

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<sup>98</sup> Meeting with BAR-UK, Dale Keller on 7 May 2019

The APPG therefore recommends that a process is put in place by the FCO and police whereby airport police are informed of the travel plans of any family wishing special airport assistance when they plan to fly to the country of death. Whilst we appreciate it may take some time to introduce, we would also recommend that IATA and the wider travel sector explore how an IATA code would work and who would lead on implementation.

For some of the families we spoke to, their airport experience proved to be traumatic.

Ella Goddard, whose son David died in Ecuador told the APPG:

***“I travelled to Ecuador with my oldest son to identify David’s body. There was no contact with the FCO, nor any offer of help. We expected the FCO to help but it wasn’t forthcoming,***

***“I travelled back with my son, the airport could have been told I was travelling with him, just a little bit of kindness shown to me, that should have been up to the FCO. Surely a British subject deserves this privilege?”***

Brenda Lawson, whose daughter Jessica died in France, told the APPG:

***“We expected that when we got to Liverpool Airport, someone from the FCO would meet us and take us through what to expect. There was no one.***

***“In the departure lounge, we were tannoyed back to security and a police officer had the awful task of telling us that Jessica had since died. They asked if we still wanted to go to France? We said that of course we did and so they escorted us through the airport. We were crying all the way.***

***“We thought we would be met at Limoges Airport, but we just got a phone call from the FCO to explain the repatriation process and an email of a pdf on how to do so.”***

It is based on this evidence that the APPG recommends a new close collaboration between government departments with and within the travel sector to create a seamless support framework for families.

Where families have been able to access practical support, the APPG has nevertheless heard some alarming information such as services potentially meansteering their support or if not meansteering, making it clear to a family who is receiving assistance e.g. with flights to country of death, that by accepting assistance they will be preventing another family from accessing that money.<sup>99</sup>

During an already incredibly distressing time of their lives, the last thing that a family needs is to be made to feel guilty, which is the feedback the APPG has heard. The APPG therefore recommends that where government departments are funding support organisations, they make clear that appropriateness of language and staff training is crucial and that they adopt a trauma-informed approach to avoid secondary victimisation and adding to an already heavily-weighted burden.

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<sup>99</sup> Feedback received by Murdered Abroad from the families they support and discussed at a meeting on 12 August 2019.

Furthermore, as already stated, the support should be available not only to families bereaved overseas by murder but all types of trauma as discussed in this report.

**Therefore, the APPG recommends:**

#### **Recommendation 4**

**That the UK, Scottish and other devolved administrations, NPCC, Police Scotland and the FCO improve practical support for families by committing to consistent signposting to relevant agencies and establishing new relationships with specialist support organisations**

- a. That a clearly defined practical process is put in place by the FCO to assist families from the point of notification of death or imprisonment onwards
- b. That the government departments (usually the FCO) being contacted by traumatised families must better communicate the practical support that is on offer to those who need to access it and that staff discuss the support agencies as a matter of course, rather than directing people sporadically or waiting for the victims to say what they need
- c. That the FCO takes the lead co-ordination point between the support agencies and family up until such point as a family is embedded with the support network
- d. That where necessary, the FCO ensures someone guides families through the process, making calls on their behalf if necessary
- e. Where a family plans to travel, the FCO / police must communicate to the police at the airport of departure in the UK that a family plans to travel to the country of death/imprisonment, in order to ease their journey
- f. That details of the enhanced funding and support for bereaved families as announced by the Ministry of Justice are published and communicated
- g. Transparency by government departments about who they fund and for what and a process is implemented for measuring the outcomes
- h. That where the FCO is funding other organisations such as the LBT and VSHS to provide assistance, it ought to commit to consistent signposting not only for murder and manslaughter victims but for the other families who face trauma abroad
- i. That the UK, Scottish and devolved governments commit to widening the base of experienced individuals and agencies to assist families and establish new arrangements, processes and collaborations to ensure that all angles are covered. Specifically, we recommend a roundtable involving all relevant stakeholders including but not limited to: the UK and Scottish Governments; FCO; MoJ; Home Office; Department for Transport; NPCC; Police Scotland; Coroners' Service; Death Certification Review Service; Scottish Fatalities Investigation Unit; Airport Police; APIL; PEOPIL and the APPG to agree new collaborations
- j. Post-Brexit, stakeholders (above at 4i.) convene to address the inconsistencies in interventions in foreign jurisdictions
- k. That DCRS accepts requests from families bereaved abroad by murder, manslaughter, in suspicious or accidental circumstances for translation of documents



- l. That police in the UK are given more of a role in assisting families by providing an appointed SIO and FLO to act as a local point of liaison between the family and consular officers
- m. That the UK, Scottish and devolved governments consider the idea of setting up an international cadre with police, lawyers and appropriate forensic support to allow these international matters to be properly dealt with on a UK wide policy basis and that a meeting is arranged with the APPG to discuss how it would work
- n. That the FCO takes feedback from families about good lawyers overseas and adds them to a new improved list of English-speaking lawyers for each legal jurisdiction, which includes their specialism
- o. That the UK, Scottish and devolved governments and the FCO meet with APIL, PEOPIL and the Law Societies of England and Wales and Scotland respectively to discuss referral of families
- p. That a process is put in place by the FCO and police whereby airport police are informed of the travel plans of any family wishing special airport assistance when they plan to fly to the country of death.
- q. That IATA and the wider travel sector explore how an IATA code would work and who would lead on implementation.
- r. Create a new collaboration between government departments with and within the travel sector to create a seamless support for families travelling when bereaved abroad
- s. That where government departments are funding support organisations, they make clear that appropriateness of language and staff training is crucial and that they adopt a trauma-informed approach to avoid secondary victimisation
- t. That support should be available to families affected by all types of trauma overseas and should not be meanstested

## Recommendation 5

**Government departments, public bodies, agencies and services across the UK must communicate effectively while supporting families, and communicate with each other out with that process to ensure joined up working and an ongoing drive for service improvement**

As seen in recommendation 4, there are a number of agencies, organisations and people that a family can expect to come into contact with following a trauma overseas.

It is easy for people to fall between the cracks of the support agencies from whom they are seeking or expecting support and when they do the APPG has heard it makes their trauma worse. More than one family had the poignant memory of police writing a phone number on the top of a newspaper in their living room, which is the only guidance they were left with after being informed of the death of their loved one. The impact this seemingly innocent act can have should not be underestimated when a family is experiencing shock and it can cause secondary victimisation.

During a meeting with the former Victims Commissioner for England and Wales who was also looking into homicides abroad and the support services in the UK, she stated: *“Our evidence has shown there are gaps, there are structural failings. It is no one individual fault but the way it [the system] is set up.”*<sup>100</sup>

From the outset, when the APPG was gathering evidence from families and agencies it was clear that the process – from notification of death right through to repatriation and then ongoing criminal proceedings – is difficult to navigate, not just in terms of engaging with the FCO but all the other government departments and third party organisations involved. This suggests there is a clear need for joined up working.

Claire Fifield-Moore, whose son James died in Greece, said: *“When I was told of James’ death, I was left with a telephone number for the Foreign Office scribbled on a piece of paper. A friend of the family ran a half marathon and raised the money needed to repatriate James. I wrote to the Chief Inspector of Thames Valley Police – I had to fight to receive any help from a Liaison Officer. We are British citizens, our loved ones are being abandoned around the world and us, as grieving families are being left unsupported.”*

Kirsten MacNicol, whose brother Kenneth died in Spain, said: *“One of his friends was sent a bereavement package from the FCO to forward to us.”*

Even within the FCO there are communication gaps that need to be addressed. Mary Dejevsky, whose husband died in Italy, told us that she fell between the cracks internally within the FCO and made some recommendations for improvement:

*“It seemed to me that communication between different bits of the Foreign Office wasn’t wonderful especially as – given time differences and public holidays – deaths abroad don’t always happen to suit UK office hours. In my case the emergency lines worked fine but the information wasn’t passed on. I*

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<sup>100</sup> Meeting with former Victims Commissioner for England and Wales, Baroness Newlove on 17 January 2019

***also felt that cases of UK citizens who die abroad could be tracked rather more efficiently, until either the remains or next-of-kin, or both have returned home.”***

The former Victims Commissioner for England and Wales also said: ***“We need the police, national homicide service and FCO to meet together to look at the end to end service to get a family’s impression of how the service works as a whole.”***<sup>101</sup>

Similarly the Victims Commissioner for London told us: ***“Services are fragmented. There is a lack of information at a time when families have been catapulted into trauma.”***<sup>102</sup>

The APPG also met with Katherine Atkinson CEO of the Foundation for Safer Tourism (“FST”) and discussed the need to offer emotional and financial support to grieving families. Ms Atkinson said: ***“Access to unbiased advice and specialist support to co-ordinate the numerous agencies – travel companies, insurers, doctors and government departments, at home and abroad – will help bereaved families find the answers they need following the death of a loved one.”***

***“The UK’s current support for grieving families of relatives that have died abroad is fragmented, inconsistent and in need of urgent reform and the All Party Parliamentary Group’s consultation provides an opportunity to reverse the decline.”***<sup>103</sup>

The fragmentation of services was recognised as far as back 2011 when Murdered Abroad undertook a survey: ‘Who Cares for the Family’. At that time, MA Patron, Lord Charles Falconer of Thoroton, QC said: ***“The evidence in this report poignantly highlights the complex difficulties faced by families following the murder, manslaughter or suspicious death of a relative abroad. Importantly it also illustrates how gaps and shortcomings in services to these families exacerbate these difficulties, with significant consequences.”***

***“By taking better account of the needs of the bereaved, services could be made more effective with a view to ensuring improved outcomes for families and also in terms of making more efficient use of the resources required to support families in dealing with the aftermath of such traumatic events. I therefore urge the use of this report to bring about improvements in provision.”*** [2011] The fact this was recognised as an issue so long ago and remains an issue today is of deep concern to the APPG.

During a recent meeting with the NPCC lead for family liaison, they said that overall, more should be done in the UK to support those families who are victims of murder, manslaughter or suspicious deaths abroad, in particular, that we do more to ensure ***“that families are never surprised”***<sup>104</sup>.

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<sup>101</sup> Meeting with former Victims Commissioner for England and Wales, Baroness Newlove on 17 January 2019

<sup>102</sup> Call with Claire Waxman, Victims Commissioner for London, 8 February 2019

<sup>103</sup> Meeting with CEO of the Foundation for Safer Tourism, Katherine Atkinson on 11 September 2018

<sup>104</sup> Meeting National Police Chiefs’ Council lead, Commander Stuart Cundy on 7 May 2019

When asked about improving communications the NPCC lead for family liaison said: ***“We must find a way to make the journey as easy as possible for a family. We should map out the journey and work out who the touch points are in that journey – and ask do they need to step up?”***<sup>105</sup>

The APPG believes it would be beneficial to “map the journey” of the families and create guidance on how best to navigate the process, which departments do what, and how to contact them, bearing in mind that it often comes down to individual willingness, either on the part of a local police force or an embassy representative, meaning a lot of what happens will be dependant on luck, which is objectionable. It is clear that communication to deliver a death notification takes into account the speed of the online news cycle and social media.

During a meeting with the FCO’s MMT, the former Head said they were keen to do a stakeholder event because they believe there is competition between support organisations cross-referring and specialism, which means information is not being disseminated across networks as well as it could be. They would like to ensure support organisations work collaboratively.<sup>106</sup> Whilst the APPG would agree with that sentiment, we recommend the FCO addresses the dissemination of information internally, ensuring that London is joined up with the foreign posts and the call centre operations.

We further understand from the former Head of the MMT that the FCO is now “journey-mapping”<sup>107</sup> what families go through when they are victims of murder or manslaughter with the intention of helping families understand where the FCO sits in the process. They have spoken to families, victim support services and the charity, Murdered Abroad but they have not included parliamentarians as part of their research. We recommend that this report be used to feed in to their learnings to address the cracks in the support available.

If a British national dies abroad, the relevant party to be informed is the FCO but when the APPG asked the House of Commons Library if the FCO has any obligation to report to the UK police murders or deaths in suspicious circumstances of British nationals abroad, we received this response: ***“The answer to your question is ‘no’...As you will probably be aware, there has been long-running debate about whether the FCO should do more to help the victims’ family than it does currently.”***<sup>108</sup> The fact the FCO has no obligation to inform the UK police risks the family going without victim support services and thus being left alone in their greatest hour of need.

An additional complication is that we have also heard of cases where Interpol are alerted by foreign police who contact British police before the FCO is aware of the death.

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<sup>105</sup> Meeting National Police Chiefs’ Council lead, Commander Stuart Cundy on 7 May 2019.

<sup>106</sup> Meeting with former Head of Murder Manslaughter Team, Samantha Elmes on 27 February 2019.

<sup>107</sup> Meeting with former Head of Murder Manslaughter Team, Samantha Elmes on 27 February 2019.

<sup>108</sup> House of Commons Library response dated 9 January 2019 at 09:54, International Affairs and Defence Section, ref: 2019/1/25-iads. Available in Appendix 1

Normally when the FCO is informed of a death abroad, it will in turn contact the local police force who will then deliver the death message, ideally in person.

The NPCC lead for family liaison said: ***“Delivery of the death message should always be face-to-face and to the next of kin. The FCO will contact the local police and they will visit the family – in theory. However, there is a challenge now due to social media, and it is not now uncommon for death messages to be delivered by telephone because those who are to deliver the news have heard that it has already gone out on social media.”***

It is for the FCO and the local police to then decide between them who is taking the lead in engaging with the family. At the moment, this is not happening.

Helen Jordan, whose sister Lisa Brown is missing presumed dead in Spain, told the APPG: ***“There is a complete lack of communication, cooperation in sharing and acting on information received from various organisations in the UK or abroad with families and witnesses.”***

Emmy Webb, whose daughter Julia died in America said: ***“The whole thing has been horrible...”***

***“When I rang the FCO I asked why no one had informed me of my daughter’s death and he replied: “Well, you are telling me now.”***

Boyne and Margaret Annesley, whose daughter Chrissy died in Thailand said: ***“We hadn’t heard from my daughter for about 36 hours, we just didn’t know what to do or where to go. The police knocked on the door and told us she had been found dead in her room. They gave us the FCO number, I rang them and eventually got hold of them but the only helpful information they gave was the number of our local coroner. In the following days I looked back, I had five emails from the FCO just advising about legal aid, nothing specific. I should have asked, but you can’t, you’re so dazed.***

***“... We had no help from the FCO. I remember trying to call and getting no answer, leaving messages and voice mails. Finally I got someone two weeks later but I fell between the gaps of one person leaving and another one starting.”***

We heard from families who learned about the death of a loved one from the media, online or indeed from family friends, rather than officially from the FCO or their local police. As the NPCC lead for family liaison said: ***“There must be a clear understanding of who is doing what.”***<sup>109</sup>

The APPG met with Kate Wallace the CEO of Victim Support Scotland<sup>110</sup> (“VSS”) in October 2018 who said that VSS exists to provide support to victims of crime, therefore has a remit to provide support to families where someone has died as the result of being a victim of a crime abroad, but revealed that this does not involve accompanying families abroad as they are not funded to do this. In addition, VSS is concerned that it

<sup>109</sup> Meeting National Police Chiefs’ Council lead, Commander Stuart Cundy on 7 May 2019.

<sup>110</sup> Meeting with CEO Victim Support Scotland, Kate Wallace on 19 October 2018.

does not always receive notifications and reports [of Scots killed overseas], in particular from the FCO. These fluctuate over time, with only seven referrals received between 2012 and 2018 around deaths abroad. She stated that VSS is keen to have a good working relationship with the FCO.

It is recognised that there are particular difficulties with deaths abroad where a link to a crime may not always be visible. This was discussed with VSS and Ms Wallace reiterated that VSS ***“would be more than happy to work in partnership with other organisations to ensure that a comprehensive package of support could be put in place for families bereaved by deaths abroad, no matter what the cause.”***

The APPG spoke with Ms Wallace again in October 2019 when she said: ***“We now have a specialist team for ‘Families Bereaved by Crime’ which became operational on 1 April 2019.’ This service was not funded to support families abroad, nor was it funded to support families bereaved by corporate manslaughter or driving offences, but that is not to say some of these could not be considered in future.”***

The APPG therefore recommends that this new service, ‘Families Bereaved by Crime’, in Scotland is extended to include families bereaved abroad by murder, manslaughter or in suspicious circumstances where there is a suggestion that a crime has been committed. The APPG would also recommend that this service is available to families bereaved overseas in cases where there is no evidence of criminality.

VSS explained to us it is a member of Victim Support Europe (“VSE”) and we understand that there are moves underway to set up a Victim Support Asia (“VSA”). Linking in with other victims support organisations around the world can only be welcome as it will help assist British citizens get access to local knowledge in the country of death. It also means we can learn best practice from looking at what other nations do well. For example, the Portuguese Association for Victim Support better known as “APAV” is now one of the world leaders for its developments. Its CEO has recently developed psychological first aid training for its staff. In the Netherlands, victim support is given €80m per year to fund its operations. Scotland and Northern Ireland used to be in the top three but are not now. Belgium has set up victim support for those who fall through the gaps. There are good practices out there that we could be drawing on to help our citizens here too and the APPG recommends the UK and Scottish governments, alongside the victim support agencies adopt international best practice.

Whilst the APPG was glad to hear that VSS is working collaboratively with VSE, it was disappointed to learn recently that a referral from VSHS to VSE was not made when a family re-located from England to another European country leaving them without any support whatsoever. As it was, the APPG was able to make the necessary introductions and the Executive Director of VSE said he would address this with VSHS in England.

As Brenda Lawson said:

***“Faro VS called me on Tuesday and we’ve arranged to meet next Tuesday 29th October in the Faro office.”***

***“Please feedback our sincere thanks to your EU colleagues for their prompt response.***

***“And yes. Please also feedback our disappointment in the UK VS. (Who by the why have still not replied to my last emails.)***

***“I fail to understand why those in the UK who "deliberated and after careful consideration" withdraw our victim support, didn't think to refer us on to you???***

***“Worrying really how many other families they've 'failed to offer any alternative or signposting to'***

***“To say No is one thing.***

***“To make no attempt to offer another route...is wrong.***

***“Especially when you have a referral process in place!!!***

***“A joined up support network is necessary to aid and assist bereaved parents like me.***

***“We rely completely on the experts advising and guiding us in the right direction.***

***“If they fail...we fall. Often unable to find our way back up again.”***

Without seeking to criticise anyone, it does highlight that in 2019, these basic links are not always being made. As such we recommend that VSHS and VSS are joined up with VSE. If and when VSA is set up, the APPG would also recommend that VSHS and VSS are linked up with it.

A further problem VSS identified was that due to the new GDPR rules, it has seen a drop in referrals (i.e. VSS is not permitted to reach out to people it reads or hears about in the news). Instead, VSS is reliant on police officers telling people about its service and making referrals, creating a situation where the police are acting as ‘gatekeepers’ to victim support. In a situation where the FCO does not have the obligation to inform the police of a death, this is an obvious break where the support eco-system that should be in place fails the expectations of families. Therefore the APPG recommends that a reporting obligation is introduced to ensure that relevant UK and Scottish police are informed by the FCO of a death abroad, not by natural causes.

The APPG has a concern around the negative consequences the DPA and new GDPR rules have on families needing access to information and support. For example, some families would not know if their loved one had insurance or not and we do not know if insurance companies would reach out unless they were contacted by a family.

Janet Southall, whose son Gareth died in Malaysia, said: ***“I have made several FOI requests about Gareth’s case, but it has not been straightforward. I’ve received five emails in response, each citing the withholding of information under different circumstances, shrouding themselves in secrecy. They were***

***protecting themselves, the FCO was doing its job but without compassion or seeing the needs of the individual. There was a lack of communication – it feels like a fudge.”***

Ms Tejada, wife of Mr Hedges who was imprisoned in the UAE on charges of espionage, told us that her husband was held in solitary confinement for five and a half months after the FCO failed to raise that issue with the UAE and that it was only when she took his case to the press that action was taken and the FCO started to properly communicate with her, offering her a meeting with the Minister and then Foreign Secretary Jeremy Hunt.

Before then, Ms Tejada told us that she struggled to get anyone to tell her what had happened to her husband and was repeatedly quoted the Data Protection Act (“**DPA**”). She said that it took seven weeks for the FCO to get explicit authorisation from Mr Hedges to share information with her. We understand from Ms Tejada that as a result of this, Mr Hunt had agreed the DPA was in need of review. However, when she followed up with Mr Hunt on the matter, she did not receive a response to the status of said review.

In light of the above, the APPG therefore recommends a review of the DPA and new GDPR rules to take into account the situation of individuals imprisoned or murdered abroad.

Currently, MA is working very hard on trying to get a multi-agency approach to supporting families bereaved by a murder abroad, particularly via the Memorandum of Understanding (“**MoU**”) that is in place between the FCO, NPCC and the Coroners’ Society of England and Wales. As Mr Parker, Head of the Chief Coroner’s Office told the APPG:

***“The MoU is about best practice and how the organisations interface with one another. There is an expectation about how the organisations should interact. It is sometimes quite helpful to create an expectation of who does what, within appropriate limits, including judicial independence.***

***“Police with FLOs take the lead with families on very serious cases, such as those potentially involving crime or as a result of a terrorist incident. However in general, coroners rely on third parties for evidence and other investigative information and materials in order to carry out their judicial functions. That applies whether the death occurred abroad or in England and Wales. If the death occurred abroad, this includes the police where appropriate and the FCO. However coroners cannot (for example) order a police force to travel abroad to investigate for the purposes of a coroner investigation nor would this be consistent with the general approach in the coroner system.***

***“With a death abroad there is dialogue between FCO and coroners (and this is what the MoU underlies).”<sup>111</sup>***

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<sup>111</sup> Meeting with Head of Chief Coroner's Office, James Parker on 13 August 2019



The MoU sets out how these organisations will work together to provide assistance to families bereaved abroad by murder, manslaughter or infanticide,<sup>112</sup> however, in practice, this is not benefiting families as they are not made aware of its existence. The APPG believes families should be made aware of it as standard and the duty should be on the FCO to inform them of the MoU at the same time as notification of death.

The APPG further recommends that to be fully joined up for families, all government departments, agencies and charities should be signed up to the MoU or obliged to adhere to it.

There is a concern at the moment that the FCO is actually trying to scale back on its commitment to the MoU and the APPG has written to the FCO on this under separate cover<sup>113</sup>. We recommend that the MoU remains unchanged and in force until the FCO has seen the evidence and recommendations made in this report.

**The APPG therefore recommends:**

### **Recommendation 5**

**Government departments, public bodies, agencies and services across the UK must communicate effectively while supporting families, and communicate with each other out with that process to ensure joined up working and an ongoing drive for service improvement**

- a. That a family's journey from notification of death onwards be carefully mapped to ensure individuals at all points of contact have the correct training, information and support to take the very best care of the bereaved family
- b. That communication to deliver a death notification takes into account the speed of the online news cycle and social media
- c. That the FCO addresses the dissemination of information internally, ensuring that London is joined up with the foreign posts and the call centre operations.
- d. That the findings of this report be used to feed into the MMT's journey-mapping process to address the cracks in the supports available
- e. That the new service, 'Families Bereaved by Crime', in Scotland is extended to include families bereaved abroad by murder, manslaughter or in suspicious circumstances where there is a suggestion that a crime has been committed. The APPG would also recommend that this service is available to families bereaved overseas in cases where there is no evidence of criminality.
- f. That the UK and Scottish Governments, alongside the victim support agencies, adopt international best practice
- g. That the VSHS links in with VSE and VSA (when it is established)

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<sup>112</sup> Memorandum of Understanding between the Foreign and Commonwealth Office, Association of Chief Police Officers and Coroners' Society of England and Wales (2011) *Murder, Manslaughter and Infanticide of British Nationals Abroad*, available at [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/141958/mou-fco-acpo-coroners.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/141958/mou-fco-acpo-coroners.pdf)

<sup>113</sup> Letter to Minister Andrew Stephenson FCO from Hannah Bardell MP about MoU dated 7 October 2019?

- h. That the VSS continues to link in with VSE and links in with VSA (when it is established)
- i. That a reporting obligation is introduced to ensure that relevant UK and Scottish police are informed by the FCO of a death abroad, not by natural causes
- j. That families are notified of the MoU as standard at the same time as notification of death
- k. That the MoU remains unchanged and in force until the FCO has seen the evidence and recommendations made in this report
- l. That other government departments, agencies and charities commit to the MoU
- m. That consequences of GDPR rules looked at in the context of this work
- n. That the FCO organises an annual event/conference between the various support agencies to which it outsources support and other relevant parties including VSH, VSS, VSE, the police, Murdered Abroad, DAYNA, Redress, the ABI, ABTA and the AOA, to ensure cross-party working and open communication.

## Recommendation 6

### **That the UK and Scottish Governments recognise the importance of peer support and ensure this is introduced as soon as possible with referrals to specialist peer support groups**

Many of the families who gave evidence to the APPG were introduced via Murdered Abroad (formerly SAMM Abroad) or Deaths Abroad You're Not Alone ("**DAYNA**"). MA is an independent charity and is not funded by any government office or agency. It was founded in 2001 by Eve Henderson, whose husband was the subject of a random attack and murdered whilst on holiday with his family in France. Mrs Henderson founded this charitable organization specially for people in the UK to improve the support families receive after their loved one is murdered abroad.<sup>114</sup>

In Mrs Henderson's own words:

*"Murdered Abroad provides peer support, emotional support and guidance via our 24/7 telephone helpline; email support which is available at all times; and four peer support meetings each year open to all family members and friends bereaved by a homicide abroad. Our meetings are held in different parts of the UK (London, Gloucester, Northampton and Manchester in 2019).*

*"Peer support at these meetings is a naturally occurring, mutually beneficial support process where people who share a common experience meet as equals, sharing skills, strengths and hope; learning from each other how to cope, thrive and attempt to recover from the tragedy that has befallen their families.*

*The value of peer support should not be underestimated. Being able to discuss in a safe and friendly environment, the difficulties and problems families face when encountering all the different agencies here in the UK (FCO, UK Police, Coroners) is invaluable. The following are some comments made by families following attendance at one of our members' meetings when they were asked to complete a brief feedback form. All participants this year (in 2019) rated the meetings 'helpful' or 'very helpful'. People commented that they found the following particularly useful:*

*"Meeting others in similar situations"*

*"The pooling of accumulated experiences"*

*"Being with others who 'get it'. Hearing current progress and future plans of Murdered Abroad"*

*"Meetings always good, it really helps to meet other people"*

*"Support from other people in similar circumstances"*

*"It was useful to hear of other peoples' experiences and learn of organisations I had not previously heard of"*

*"Meeting with other bereaved families. Hearing updates from Murdered Abroad. Networking/way forward to obtain better support for families"*

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<sup>114</sup> Mrs Henderson runs Murdered Abroad alongside Bren McLaughlin (who runs the helpline), Kim Spooner (comms/website designer) and Brian Chandler (treasurer). They each take a turn in organising the members' meetings and collectively have 50 years of experience with families bereaved by a homicide abroad.

The APPG attended a Murdered Abroad meeting in September 2019<sup>115</sup> and heard first hand the experiences of families who had loved ones murdered overseas. The pain being experienced by these families was obvious, as was the benefit of the peer support in the room.

Mrs Henderson told the APPG: *“We have worked with nearly 300 families giving help and guidance in their hour of need. We shouldn’t have to fight for support for them, it should be their right and entitlement to access all services that would be afforded to families following a homicide in the UK. Due to the complexities of a homicide committed abroad, language, distance, culture, foreign judicial process etc., our families need more help, not less.*

*There are 60-80 cases of murder and manslaughter of British nationals abroad every year, that’s like a Grenfell Tower every year, and the Grenfell Tower victims were given £1.8m towards counseling. Our families receive very little.*

*We can’t even get a piece of paper translated. If you are a foreign national accused of a crime here in the UK, our courts provide a translator or an interpreter – but we can’t access any of the facilities that are already available to others in the UK.”*

Mrs Henderson whose husband Roderick was murdered in France in 1997 also said: *“Over the last 20 years I have learned so much from my own case and from my work with other families who have come to Murdered Abroad. There is something very special about meeting others to whom you do not have to explain how you are feeling, they just know. At our meetings, people laugh and cry in equal measure, no one judges anyone. Talking things over with someone who truly understands is a real benefit and goes some way to alleviate the isolation we all feel.”*

The APPG is aware that the FCO has quarterly meetings with MA to discuss things like caseload of the FCO’s MMT (resource issues); staff changes; feedback on the problems members of MA are encountering and what the MMT can help with; FCO statistics etc. On the basis that the FCO is aware of the work MA does, and based on how positive the families giving evidence have been about the charity, the APPG recommends that more people are sign-posted to it in their hour of need. Peer support can be valuable for some people and it seems an easy ask to ensure that people are made aware there is peer support on offer.

Julie Love whose son Colin died in Venezuela in 2009 established the charity Deaths Abroad You’re Not Alone. DAYNA is a non-profit organisation based in Glasgow which offers support for those who have lost loved-ones abroad whether the death is from natural circumstances, accidental death, suspicious circumstances or murder. DAYNA campaigns for change within Scotland and the rest of the UK to improve the support families receive after a loved one dies abroad. It also assists families in financial hardship by fundraising and appeals. This can be for repatriation costs, court costs, lawyers fees, flights to the country of death or translation of documents.

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<sup>115</sup> Murdered Abroad quarterly meeting on 14 September 2019 in Manchester

It was clear from meeting some of the families who attended an evidence session in Glasgow that DAYNA as a peer support organization had been beneficial. However, families should not have to find these organisations by luck or by hoping that their case is spotted in the press and that someone reaches out. Whilst peer support may not be for everyone, it is beneficial for many and our understanding from studies such as the one mentioned below is that peer support can be beneficial to those experiencing trauma. Peer support can offer people a different outlet.

Sue Hampson a counsellor, supervisor and trainer of more than 20 years who runs trauma-informed training and consultancy 'Safe to Say', told the APPG about the benefits of peer support:

***“My experience of working with peer support has been with survivors of child sexual assault and domestic abuse. I am currently working with Womens’ Aid doing that. This has led me to believe that the benefits of peer support are:***

***“A reduction of isolation as the connection with other victims is tremendously supportive and strengthens the individuals they no longer feel alone in their grief, fear and overwhelm. The sharing of experiences with others who have similar feelings and face the same challenges, enhances their understanding of their own responses and management of stress.***

***“It is empowering as they learn from each other, particularly those further along the journey, but they are also able to offer ideas, answers and support which is hugely beneficial to people who have found themselves in the ongoing victim position. This gives them agency.***

***“Lastly, voicing their fears and concerns in a safe and trusted space plays a huge part in the release of the trauma. This reduces the chance of the unresolved trauma causing long term physical and psychological damage and is essential for their health and wellbeing as they endure these tragic circumstances.”<sup>116</sup>***

A study mentioned by the British Red Cross<sup>117</sup> and conducted by Dr Ann Eyre in 2017 concluded that: ***“The similar and repeated feedback from those bereaved by traumatic death highlights the importance of our listening to them. Other key messages from this cross- program review are that user satisfaction among survivors and the bereaved is increased when help is proactive, well communicated and coordinated, is provided by helpers with the right knowledge, competence and understanding, reinforces evidence- based principles for enhancing psychosocial resilience and efficacy and continues over a longer period of time.”<sup>118</sup>*** As part of this study, peer support was used and the implication is that it was beneficial to those traumatised.

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<sup>116</sup> <http://safetosay.co.uk> – email to APPG on 11 October 2019

<sup>117</sup> Conference call with British Red Cross 28 March 2019

<sup>118</sup> Eyre, A. (2017) 'Lessons in providing psychosocial support: A review of three post-disaster programs' *Australian Journal of Emergency Management*, Vol. 32 Issue 3.

The APPG spoke with the British Red Cross as part of the evidence gathering process to find out more. It was explained that providing information which normalises the things people are experiencing can make a big difference to those who have experienced a trauma. The British Red Cross reportedly works well with the Victims of Terrorism Unit, SO15 and FLOs and said there are lots of examples of really good practice where psychosocial support has been used.

The APPG sees that deaths abroad victims would benefit from receiving similar support. In many of the evidence sessions with families, the discussion was around traumatic bereavement (rather than the bereavement in itself being traumatic). If psychosocial support and peer support are proven to be beneficial for people, the APPG would recommend that the government departments including but not limited to the FCO refer people to such organisations that can provide that peer support.

**The APPG therefore recommends:**

### **Recommendation 6**

**That the UK and Scottish Governments recognise the importance of peer support and ensure this is introduced as soon as possible with referrals to specialist peer support groups**

## Recommendation 7

**That the UK, Scottish and devolved governments work with the insurance and travel industries to create a comprehensive, collaborative education campaign about travel insurance**

The FCO's guidance to those travelling abroad is repeatedly that they take out adequate and comprehensive travel insurance. The APPG understands why that advice is given and notes the FCO's response to the Foreign Affairs Committee's 2014 review which stated:

***“We do not intend to increase the number of things we will pay for using public funds. Our resources are limited, the support we provide should be guided by that provided in cases in the UK and we do not want to undermine services provided through travel insurance.***

***“This approach was endorsed by the House of Commons Foreign Affairs Committee (FAC) in their inquiry on Consular services: “ We understand that the FCO cannot commit to fund repatriation, legal fees, translation etc. especially where adequate insurance would have covered costs. The FCO's policy of working with partners who can provide funding where needed is sensible.***

***“We will however review our policy on what things we can provide loans for as the FAC has recommended.”<sup>119</sup>***

Following this commitment, the APPG recommends that the FCO publishes the outcome of the review on what they could provide loans for. Whilst the APPG understands why the FCO would advise people to take travel insurance: it is sensible and the right thing to do to make proper provisions before travelling, including checking the FCO website guidance, finding out about the customs of the destination country, as well as purchasing comprehensive travel insurance, there are nonetheless some barriers in place for citizens that the APPG believes warrant improvement by the government and the insurance industry.

One barrier is around the lack of education around the benefits of insurance. A key thread that runs through family experiences is that of lack of awareness and the resulting unfulfilled expectations. During our meeting with the former Victims Commissioner for England and Wales<sup>120</sup>, we learned that the National Homicide Service estimates that just 20 per cent of people it deals with have comprehensive travel insurance. While it is impossible for a family to anticipate such a tragedy abroad happening to them, it is perfectly possible to mitigate additional trauma by ensuring travellers and tourists have access to the best, most up-to-date guidance available.

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<sup>119</sup> Foreign and Commonwealth Office, Consular Assistance Department (2015), “Review of Consular Assistance Following Murder and Manslaughter Cases Overseas”, p.6. Available at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/396496/FCO\\_review\\_of\\_consular\\_assistance\\_following\\_murder\\_and\\_manslaughter\\_cases\\_overseas.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/396496/FCO_review_of_consular_assistance_following_murder_and_manslaughter_cases_overseas.pdf)

<sup>120</sup> Meeting with former Victims Commissioner for England and Wales, Baroness Newlove on 17 January 2019

The APPG believes an ongoing educational campaign, both online and offline, would go some way to raising awareness of the risks of travelling abroad and the benefits of travel insurance, particularly around summer holiday time when the APPG recommends there be an annual holiday media campaign on the benefits of travel insurance.

Similarly to the clever campaign being run by Glasgow Airport and Police Scotland to warn passengers of the penalties of drinking too much, a visible advertising campaign at airports with details of the consequences of not having insurance needs to be put in place. At one point, wearing seatbelts in cars was not mandatory but following a series of powerful advertising campaigns, the policy developed and the message was made clear.

The next barrier is a challenge the APPG believes the insurance sector ought to rectify. That is, where insurance is being purchased, there regularly appears to be little or no understanding of the different types of travel insurance available and the varying levels of cover provided.

The APPG met with the Association of British Insurers (the “**ABI**”) who represent approximately 60% of UK based insurers and who acknowledged there ought to be more education about the varying standards of travel insurance cover. Of the available travel insurance providers, there are widely varying levels of cover and standards available. There are also inconsistencies in policy wording and about how consumer friendly the policies or information about them are.

Reading the small print on a travel insurance policy before travelling is rarely a priority for people, if they have actually bought a policy at all, which is not always the case. Sadly, it is rare that people will read the small print in agreements, contracts and terms and conditions, however, the potential impact of failing to understand the varying conditions of a travel insurance policy, or indeed not buying the correct travel insurance in the first place, can be catastrophic. The current advertising of travel insurance focuses on price and some providers seem to be in a race to the bottom by offering low cost options. Whilst it is not the responsibility of the government or indeed insurers to take the duty of care away from individuals, it is worth noting that there is not much education or information around the difference in policies and the APPG recommends the insurance industry do more to educate people on this.

With so many insurance companies, banks and even supermarkets selling travel insurance policies it can be a minefield for travellers trying to find the best policy to fit their needs, cover all their eventualities and fall within their budget. Going to a comparison website and opting for the cheapest policy is not always good value for money, which is why an education campaign is needed and recommended.

The APPG heard from one family at a Murdered Abroad meeting who found by good fortune that their son had quality travel insurance but that might have resulted differently.

Les and Dorothy Daly explained to the APPG:

***“Just before Glen left for Crete I called him and recommended that he took out insurance with Insure and Go as they were one of the cheapest insurance***



*companies around, envisaging it would never be used. He said ‘Dad I’ve already taken it out with the Post Office.’ I said ‘you have probably paid four or five times the Insure and Go premium’ but it was done.*

*“After meeting the consulate official in Heraklion where she asked if Glen was insured, it became clear we were on our own in arranging Glen’s repatriation. She gave us two sheets of paper, one listing lawyers, the other undertakers.*

*“I phoned the Post Office and they provided first class assistance in arranging his repatriation.*

*“I would like to say although they provided first class assistance, as Glen’s grief stricken family we were desperate for someone, the consulate to step in and take ownership of liaising with the PO.”*

Similarlry, Kathryn King, whose mother died in Spain, said: *“I would particularly like to emphasise that we were only in the fortunate position of receiving such good support because we were with a package holiday company and my parents had purchased travel insurance. I think the FCO should do more to highlight the risks holidaymakers and travellers face if they do not have either of these.”*

So when the worst happens, it is preferable to have good insurance cover and the APPG believes that if more people were aware of this, it would encourage them to take out better insurance. Currently there is no information at airports on travel insurance and things that could go wrong. As such, the APPG recommends the insurance sector work with government and the travel industry to raise awareness of the different standards of insurance and the potential implications of bargain basement policies.

Furthermore, where insurance is held, it does not necessarily mean that individuals will be covered and again, the APPG believes companies providing travel insurance have a duty to make clear the terms of the policy and the conditions on which a payout will be made or withheld.

This is problematic when there are lots of different approaches around how insurers will handle things and how decisions are made about paying for something, particularly when that decision-making process is commercially sensitive and thus non-transparent.

The APPG heard from one family who had the most comprehensive travel insurance cover but because the death was suspicious, the insurer would not pay for legal costs. Indeed, if the death is suspicious, it will be at the insurer’s discretion as to whether the family is to receive any funding towards pursuit of a criminal investigation. The balance of probabilities requirement of a conviction is 51% yet, how can evidence be gathered and lawyers hired to pursue that evidence and investigation without funding in the first place. This is a real issue and a gap for families who suspect foul play in the death of their loved ones abroad.

Furthermore, we understand there is a growing and disturbing trend amongst insurers including in the small print of travel insurance policies that if an individual has had more than a reasonable amount to drink, they will not pay out. However, there is no

guidance or transparency around what is “reasonable” and the decision about what is “reasonable” is not transparent.

Angela Scullion, whose son Ryan died in Spain, said: ***“The insurance didn’t pay out because Ryan had had a drink. Ryan was hit by a truck and severed a main artery, subsequently bleeding out. By the time he reached the mortuary, there was no blood left in his body. To prove he had been drinking the Spanish authorities took samples from his eyeballs. That is the extent they went to in order to prove he had been drinking. To this day it angers me.”*** If someone has been drinking, then the FCO and the UK government still needs to help them. It is not good enough to leave a traumatised mother or family alone because her son drank alcohol whilst on holiday.

William Boland whose wife died in Cuba had the necessary travel insurance but the cause of death on her death certificate did not match the cause of death provided via the Cuban Embassy. Having insurance does not stop the worst from happening and it does not mean that every eventuality will be covered. Mr Boland said: ***“I want the proper cause of death on my wife’s death certificate and the foreign office has been no help whatsoever.”*** Having insurance paid for repatriation but it does not alleviate his wider predicament. Having tried for more than a year to get help from the FCO and the travel company to have his late wife’s death certificate amended to reflect her actual cause of death, he is upset that so far on, no progress has been made.

Elizabeth Adomako died in Azerbaijan. Her family told us that despite the horrific circumstances surrounding her death and the suspicious nature of it where they suspected manslaughter, they nonetheless had to battle with the insurer that it was not suicide or they would not pay. The family told us:

***“We couldn’t even dress her for the funeral, every bone had been broken, we had to lay her clothes on top of her. The funeral home was in tears, told us the body was in such a bad state they couldn’t do an autopsy.”***

***“On top of this we had to battle with the insurance company to get them to pay for repatriation, if it was found to be suicide we would have had to pay the money back – they looked up local news reports (very inaccurate) to get out of paying by saying she committed suicide. We spent three very long and expensive weeks there.”***

***“The post mortem here revealed that Elizabeth’s brain and one of her kidneys were missing, but the report from abroad said she had ‘two kidneys and two hearts’.” How is that even possible?”***

What these families experiences serve to highlight is that there is actually no such thing as comprehensive travel insurance even if one has a high quality insurance policy. Furthermore, it begs the question about where any common sense or compassion lies when people are severely traumatised and have to take on another battle with an insurer.

As Genevra Pope, whose son Jason went missing in Angola more than 20 years ago, said: ***“The FCO throws responsibility on to the individual and says they need to***

***take out comprehensive travel insurance; I agree wholeheartedly, but the problem is that comprehensive travel insurance doesn't exist."***

Mrs Pope is right. Having comprehensive travel insurance does not stop the worst from happening. To that end, Mrs Pope shared with the APPG her idea of creating a new type of mandatory trauma travel insurance. Mrs Pope said: ***"Comprehensive travel insurance could exist if there was an element of travel insurance that was mandatory – Trauma Travel Insurance (TTI). Not everyone takes out insurance – one in four has no insurance – so a voluntary levy wouldn't fit the bill."***

The APPG discussed the idea of 'Trauma Travel Insurance' with the ABI, and with AXA Insurance. Neither were sure about the idea of Trauma Travel Insurance but both acknowledged more could be done to help people.

Nel Mooy, Head of Travel, AXA Insurance provided this quote: ***"At AXA we always provide non-financial assistance to our customers, regardless of if their claim is covered. This can range from helping to book new flights, to helping people in tragic situations navigate foreign medical systems. In severe circumstances, the FCO are often involved in helping families and individuals, but insurers and the FCO could improve lines of communication in order to best help our customers."***

The ABI said: ***"In severe circumstances, the FCO are often involved in helping families and individuals, but insurers and the FCO could improve lines of communication in order to best help customers."***

The APPG recommends that the UK and Scottish Governments, the FCO, the Department for Transport and the insurance industry convene a roundtable to discuss the feasibility of mandatory 'Trauma Travel Insurance'. Currently there are two types of mandatory insurance in the UK, one being third party car insurance and the other employer's liability insurance, so we this could be made mandatory.

The APPG asked the House of Commons Library for information on other countries who require travel insurance as a condition of entry to the country. They responded as follows: ***"Whether or not travel insurance is required as a condition of entry comes down to the domestic immigration law of each country."***<sup>121</sup>

A further issue identified by the APPG is the treatment of families where there is no insurance. Where there was no insurance, their already traumatic situation was exacerbated with families having no idea where they could turn to for repatriation and often resulted in desperate crowdfunding appeals to pay for the return home of their loved one's body. Worse still, they experienced secondary victimisation by the way they were treated by the FCO.

As Mrs Henderson of Murdered Abroad told the APPG: ***"I'm sure its not lost on you that one of the first things the FCO asks is – was the person insured? Whilst we understand this question needs to be asked, it needs to be asked very sensitively. One can just imagine if the person hasn't got insurance or the family***

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<sup>121</sup> Full library response is available at Appendix 1

*doesn't know if their loved one has insurance, the question can cause re-traumatisation of the bereaved family who are made to feel guilty.*

*"I once phoned the FCO to see if we could get some help for an OAP whose son (a school teacher volunteering in the foreign country) had been murdered and who couldn't afford to repatriate her son's body. This was the stern response I received:*

**"Why should the British taxpayer pay for the repatriation of someone who negligently went abroad without taking out insurance."**

*"I was so shocked and stunned by his tone that I couldn't speak and I just had to put the phone down and cut him off. The coldness of that comment has never left me."*

Given all that has been said by the psychology profession and victim support specialists as highlighted earlier in this report, this reaction by the British government is downright unacceptable and amounts to secondary victimization, causing detrimental effects to health. The fact someone has not taken insurance does not mean they deserve to be treated as a second class citizen. This added pressure at such a difficult time can tip families to breaking point.

That attitude also does not account for the fact that someone may have been murdered through no fault of their own and it highlights again a discrepancy in the treatment a family will receive if their loved one is killed or died in suspicious circumstances in the UK or abroad.

If your loved one is murdered in the UK, you as their family member will be classed as a victim of a crime and can be eligible for compensation under the Criminal Injuries Compensation Scheme ("**CICA**"). However, if your loved one is murdered abroad, you will not be eligible to compensation under CICA. Instead, you will be entitled to apply to the equivalent scheme that the country of death has available, if it has one. The exception is that compensation is available for the death of a close relative who dies abroad in a terrorist attack.<sup>122</sup>

If your loved one is killed abroad by a common criminal, you will be entitled to nothing and if there is no insurance, that will compound the expense. The APPG therefore recommends expanding CICA to the circa 80 families who are victims of deaths abroad as a result of murder, manslaughter and suspicious deaths every year.

We note that this was also recommended by the Victims Commissioner for London's report in March 2019, which said: "***The Government should ensure that victims currently unable to claim compensation, such as families bereaved by homicide abroad, are able to do so in future.***"<sup>123</sup>

<sup>122</sup> <https://www.gov.uk/claim-compensation-criminal-injury/eligibility> This matter was also discussed at a meeting with the Victims Strategy Unit within the Ministry of Justice on 8 May 2019.

<sup>123</sup> Independent Victims Commissioner for London, Claire Waxman (2019), *Review of Compliance with the Victims' Code of Practice (VCOP)*, p.29. Available at [https://www.london.gov.uk/sites/default/files/vcop\\_final\\_pages.pdf](https://www.london.gov.uk/sites/default/files/vcop_final_pages.pdf)

This was also discussed during the meeting with the former Victims Commissioner for England and Wales with the consensus being that to extend this to the 80 or so British victims of homicide which take place abroad each year would not be onerous.<sup>124</sup> We understand the Victims Commissioner's report 'Struggling for Justice' recommended this be done also.<sup>125</sup>

The APPG would like the UK, Scottish and devolved governments the insurance industry to recognise that the impacts of these traumatic events are life-changing. We have heard from many families who had to take significant time off work, some who never worked again, some who got cancer, had strokes or suffered PTSD. The London Victims Commissioner rightly said to us: ***"We are not discussing taking six weeks off work and going back to 'normal'."***

The APPG sees that there is a need for comprehensive trauma counselling for families bereaved by a death abroad and recommends measures to provide the same. Too many families report that their GPs have put them on a six month waiting list or they have found a private counsellor who when they explain what has happened, the counsellor is out of their depth and the bereaved has to comfort the counsellor rather than the other way round.

The life-changing impacts on families were very clear from the evidence sessions.

Ian Mallon, whose son Craig died in Spain, said: ***"After Craig died the atmosphere in the house changed, it was like the end of the world. I haven't worked since then. I don't think we'll ever get a conviction but I'd like closure. It has consumed us, our lives, our health. I've had a stroke and two heart attacks. My wife died aged 48; she hardly got out of bed for the first three years, she couldn't handle life. Just before she died she said she wished it would just stop. But it's coming up for six years now and we are still no further forward. It would make a huge difference if we had been treated properly, with honesty."***

Sara Neighbour, whose brother Martin died in India, said: ***"The impact of this experience has been enormous on me. Tragically my mother also died, two weeks after my brother, and I truly believe it was the shock of my brother's death that killed her."***

***"I have changed as a person. I did not sleep properly for at least two years and became very withdrawn. I am now more aware of any situation I am in. I think about what happened all the time, I know I will probably never find out the truth as to what happened to my brother. My aim now is to try and make people aware of what is happening in Goa and hope people do not have to go through the same truly horrific experience that I did."***

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<sup>124</sup> Meeting with former Victims Commissioner for England and Wales, Baroness Newlove on 17 January 2019

<sup>125</sup> Victim Commissioner (2019) *Struggling for Justice: Entitlements and Experiences of Bereaved Families Following Homicide*, available at <https://s3-eu-west-2.amazonaws.com/victcomm2-prod-storage-119w3o4kq2z48/uploads/2019/10/Struggling-for-Justice-1.pdf>

Alison Barker, whose partner Andrew Rodrick died in India, said: ***“We lost everything after Andy died, even the business, and were in maximum debt afterwards. I felt completely alone and lost.”***

Andrea McLaughlin, whose daughter Danielle died in India, said: ***“... two years down the line, the trial is still at the early stages, and I am constantly fundraising to pay a lawyer in Goa to attend the trial which is a big worry, especially as the trial is on witness number seven and there are 50 witnesses in total to be heard.”***

Mark Cook, whose grandmother Violet Price died in France, said: ***“You are plunged into a world you know nothing about. In the UK it would be horrendous but you can speak English and understand a bit about the legal process.”***

***“We lost our business, which was tied to our family home, so we lost our home.”***

Tina Cook, whose mother Violet Price died in France, said: ***“Hearing your Mother has been brutally murdered abroad is such a traumatic shock, you don’t take anything on board. We were swept along by the series of legal events, we felt we would have to move to France for the period before and during the trial.”***

***“It is not just a traumatic loss of losing someone in such horrific circumstances but the impact that follows, ill health due to the shock, you can’t work due to ill health and you slowly lose everything, we were left to struggle.”***

***“My recommendations to help any other unfortunate family would be help with legal matters, advice on how to handle the media, help to find medical/psychiatric assistance, Victim Support in the relevant country, translation of documents and help with housing /debt before matters spiral out of control.”***

Jeanette Philpotts, whose 12 year old niece Jessica died in France, said: ***“All the paperwork was in French and so we got the Court documents translated ourselves, which turned out to be absolutely crucial, as we had only 15 days to respond. The FCO should have informed us about this, it could have been a disastrous failing and we would not be able to act as Partie Civile on behalf of Jessica. There was no support for translations or anything like that. We had no savings, we even had to put our home up for sale. We received appalling support from the FCO.”***

***“The current blame culture means that no one will admit anything, no one will apologise, and no one will actually do anything.”***

***“To say we feel badly let down is an understatement. There is a real gap in bereavement support in the event of a UK Citizen, let alone a UK child fatality abroad.”***

Compensation would not bring their loved ones back but it might assist towards living costs where life circumstances have changed so drastically and to that end, the APPG recommends the insurance sector create a fund similar to that for terrorist victims for

families bereaved by murder, manslaughter or suspicious deaths abroad, perhaps by adding a surcharge to insurance policies to cover a death abroad.

We are aware that an emergency insurance fund was set aside for terrorist victims overseas, therefore see it is possible to create an emergency fund for the families discussed in this report. We recommend that the Government convenes a meeting with the ABI and a selection of insurance companies to explore setting aside a fund for these emergencies including repatriation, translation, travel for attending court in a foreign jurisdiction to name but a few necessities. Given the number of people who take out insurance compared to the number who claim, the latter is small and insurance companies would still make a profit.

We further recommend that any education campaign encourages the following: that people are encouraged to leave a copy of their insurance details with their family before they travel; that they leave their mobile phone's IMEI number before they travel and that the Government pays the costs of repatriation etc that they can then claim back from insurance companies, in a similar manner to the system in place around European Health Insurance Cards (“**EHIC**”). This would take immense pressure off families.

**The APPG therefore recommends:**

### **Recommendation 7**

**That the UK, Scottish and devolved governments work with the insurance and travel industries to create a comprehensive, collaborative education campaign about travel insurance**

- a. That the FCO publishes the outcome of the review on what they could provide loans for
- b. That the insurance sector work with government and the travel industry to educate people on the risks of travelling abroad and the benefits of travel insurance
- c. That the insurance sector raise awareness of the different standards of insurance and the potential implications of bargain basement policies including the terms under which a payout will be withheld
- d. That the UK and Scottish Governments, the FCO, the DfT and the insurance sector convene a roundtable to discuss the feasibility of mandatory trauma travel insurance
- e. Expanding CICA to families who are victims of deaths abroad as a result of murder, manslaughter, suspicious or accidental death abroad
- f. That comprehensive trauma counselling for families bereaved by a death abroad is provided by insurance policies or means where no insurance is in place
- g. That the UK, Scottish and devolved governments convene a meeting with the insurance and travel industries to explore setting aside a fund for these emergencies including repatriation, translation, travel for attending court in a foreign jurisdiction to name but a few necessities, similar to the terrorist fund

- h. That an education campaign around travel insurance encourages people to leave insurance details with their family before they travel and that they leave their mobile phone's IMEI number before they travel
- k. That the UK, Scottish and devolved governments make arrangements so that where there is no insurance in place, they pay the costs of repatriation etc and where there is insurance, they pay the costs and then claim back from the insurance companies, in a similar manner to the system in place around EHIC



## Recommendation 8

### **That a pilot scheme is explored between Scotland and Spain, which implements and tests the “Pearson-Maxwell Protocol” and the role of the media is scrutinised**

The APPG has discussed in principle the idea of a pilot scheme between Scotland and Spain to establish a protocol for providing extra support for bereaved families. The APPG has met with Edinburgh Airport, the AOA, VSS, VSE, the Scottish Government, Police Scotland and the British Ambassador to Spain to discuss a pilot scheme and all are amenable to testing this in principle. For example, the protocol may look something like this:

- FCO/local police contact the airport police to highlight that a bereaved family will be travelling
- Airport police liaise with the onsite special assistance team in advance of the families arrival at the airport
- The special assistance team liaise with the Airport Operators Committee to ensure the airline and where necessary, baggage handlers, are aware
- A representative of the special assistance team meets the family, provides special assistance such as priority checkin and fast-track through security and a quiet place to wait before boarding. A representative waits close by the family to assist when required e.g. to escort them to the plane for priority boarding.
- Similarly the return journey would offer the same special assistance at the departure airport. On arrival back in the UK, the airport communications department provides a member of staff to escort the family through the airport and keep them protected from any waiting media.

Spain has been suggested since it is the most preferred holiday destination of Scots.<sup>126</sup> Following establishment of the DCRS in 2015 it did a repatriation audit of its first 400 cases and shared the data with the APPG. The analysis shows that Spain was by far the country with the highest percentage of Scots repatriated at 30.5% with the next closest country being Portugal at 4.5%. This was out of repatriations from 65 countries plus “at sea”.

Additionally, Healthcare Improvement Scotland data shows that in:

- 2017-2018 of 183 repatriations to Scotland, 59 were from Spain with the next highest number from any country being 15 from Cyprus
- 2016-2017 of 174 repatriations to Scotland, 60 were from Spain with the next highest number from any country being 9 from France
- 2015-2016 of 170 repatriations to Scotland, 44 were from Spain with the next highest number from any country being 10 from Greece and 10 from Thailand

The APPG recommends the above named government departments, agencies and organisations get together and discuss with families and special assistance teams at

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<sup>126</sup> The British Embassy in Madrid told the APPG that it was estimated around 18m visitors travel from the UK to Alicante per annum

the airport to decide on the process, and then facilitate a collaborative pilot scheme – between Scotland and Spain - to test the new protocol.

An unwanted consequence of a death abroad is media attention, which often morphs from interest into intrusion. For distressed families, dealing with questions from journalists can be additionally traumatic. We heard from families who learned about the death of a loved one from the media or online and from others who were hounded by the media on their return home or when new criminal proceedings or decisions were announced.

One family spoke of a journalist persistently contacting them and turning up at their home, which is totally unacceptable. I raised this disturbing incident in parliament and had a subsequent meeting with the DCMS minister Nigel Adams to discuss the impact on the family and how little support there is from the FCO and other agencies when the media makes inappropriate and persistent unwanted contact with families. The Minister recognised this and referred to the work of the Independent Press Standards Organisation (“**IPSO**”). I advised that this was not the best way to support families – asking them to have to make complaints in the middle of their trauma. Support and prevention is what is required.

Brian Curry, whose daughter Kirsty died in Spain, said:

***“Its been a dreadful day. We have been pestered all day by unwelcome press. I have had to do an interview with BBC to try and address the issue of the inaccurate article but who knows how it will come across.***

***“He is not a nice man, he has previous in this and has tried to contact the whole family trying to justify his article.***

***“Other outlets just copied and pasted the same lies.***

***“We could complain to IPSO but that would not do any good as they would just print an apology as small as a postage stamp some time in some future edition.”***

The APPG therefore recommends that IPSO meets with the APPG to discuss what could be put in place in situations such as this.

The APPG heard that Edinburgh Airport assisted one family with privacy from the press when returning from overseas. Clare and Paul Haughey felt fortunate to have been provided with support at the airport in order to avoid media harassment so we know it can be done.

Other families have said the FCO and/or support agencies such as Victim Support should offer guidance and hands-on assistance to deal with media interest in their situation.

Andrea McLaughlin, whose daughter Danielle died in India, said:

***“Medical and very graphic post-mortem photographs were released and displayed on the Internet, which has been re-traumatising for me and my family – I’m still fighting to have them removed, but no one seems to be listening or to care.”***

There is a flip side, however, and the APPG has spoken to a number of families who have embraced attention from the press and used it to their advantage, in order to mount their own media campaigns to put pressure on the FCO for action.

When Matthew Hedges was being held in solitary confinement in Abu Dhabi, his wife Ms Tejada was trying to put pressure on the FCO to act. In a Sunday Times article Ms Tejada said for weeks the Foreign Office advised her to stay silent. When she eventually decided to go public on October 10 she said it tried to stop her, even phoning “behind my back and against my will” the editors of newspapers interested in publishing the story to say she was going public against advice.

*“The British Government keeps quiet in these cases, it does not want to rock the boat unless forced to,” she said. “They put their political and economic priorities ahead of the safety of citizens.”<sup>127</sup>*

Some families told us they got more assistance once they spoke to the press; sometimes it appears the more noise people make, the more likely they are to receive the assistance they should expect as standard.

Belinda Stephenson, whose sister Sarah Shields died in Spain, said:

*“I’d advise families to get an English speaking journalist on board in the country of death – we learned more from the journalist than we did from the FCO.”*

Genevra Pope, whose son Jason went missing 20 years ago in Angola, said:

*“People find out what has happened to their family from the media. The FCO has to work with the family to ensure that doesn’t happen until the family knows. The media has to be brought on board because sometimes the situation needs media pressure and sometimes it doesn’t. But every family has a right to privacy and shouldn’t be paraded just for the media.”*

The APPG therefore recommends that the FCO and victim support agencies create guidance and offer – where required – hands-on support for families to help them deal with both positive and negative media.

**The APPG therefore recommends:**

### **Recommendation 8**

**That a pilot scheme is explored between Scotland and Spain, which implements and tests the “Pearson-Maxwell Protocol” and the role of the media is scrutinised**

- a. That the relevant government departments, agencies and organisations get together, along with the APPG and families to decide on and facilitate a collaborative pilot scheme between Scotland and Spain.
- b. That IPSO meets with the APPG

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<sup>127</sup> The Sunday Times article dated 5 May 2019, available at <https://www.thetimes.co.uk/article/uae-spy-charge-victim-matthew-hedges-britain-didn-t-fight-for-me-but-i-ll-stand-up-for-others-jailed-abroad-g9dqcz89>. Ms Tejada also told the APPG this in evidence.

- c. That the FCO and victim support agencies create guidance and offer – where required – hands-on support for families to help them deal with both positive and negative media.

## Family Evidence and Quotations

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**With heartfelt gratitude to all the families who contributed to this report**

### **Adam Maxwell, wife Kirsty died in Spain**

“We were given a list of lawyers, just a name with a contact number, no experience or expertise was listed. We didn’t know where to start. We had to be in court the next morning because the man arrested in question over Kirsty’s death was appearing, and if we wanted to be represented we had to have a lawyer. We tried two with no luck. We reached the third at 11.30pm, he spoke in very broken English but we had no choice, we needed him for 9am. He was unaware of the case and was a conveyancing lawyer, not a trial or criminal lawyer.

“I don’t know what we were expecting from the FCO, but in hindsight we would have expected them to do more, more due diligence, more duty of care. I would like consular services to have more clout and more impact to help families like mine and the other families here today, and for those in the future, because this will happen again.

“Anything on top of the bare minimum they do now would be welcome.”

### **Alison Barker, her partner Andrew Rodrick died in India**

“The Welsh police came to tell me Andy was dead. They got an email from the FCO after the news was already all over the Indian newspapers. They told me on the doorstep and told me to phone the FCO. They told us Andy’s body had been found in a bag at a train station, but he was actually found on the street – the wrong information had been provided by the FCO.

“We had so much trouble trying to find out what happened, we were pressured by the FCO into getting an autopsy done and getting his body home. The FCO called me with a list of undertakers and said you need to get rid of the body. They called again the next day to check we had started the process.

“The certificates are all in Hindi, I don’t think we have a death certificate because there was no positive ID [the body was too damaged]. I don’t even know if he is registered as dead over there.

“There’s a 62 page report we have never seen. Two people were arrested for Andy’s murder, they were bailed and paid their way out of police custody – and that’s where we are.

“We lost everything after Andy died, even the business, and were in maximum debt afterwards. I felt completely alone and lost.”

### **Mrs ‘E’, her ex-husband died in Belgium**

“We had no contact with the FCO; I believe the consular staff in Belgium had contacted the FCO but they assumed my ex-husband was Belgian so they had no role to play. Because of that situation we fell through every gap, they didn’t contact the British police, we didn’t have a Family Liaison Officer, nothing. When my daughter eventually

contacted the FCO on our return and told them her father had been killed she was given a list of lawyers with no idea who they were. They sent the information to the Victim Support Homicide Unit but that was our only contact with the FCO. We sent emails but got no replies so we gave up. It was hugely traumatic, we were just floundering around, to have someone who would answer an email would be a huge help.

“I would ask consular staff not to make assumptions, to co-ordinate between foreign and UK police forces, and provide financial support for translation.

“There should be better co-operation between UK police forces when foreign police need to travel to the UK to take witness statements.”

### **Alison and Phillip White, their son Richard died in Thailand**

“Over the years, records of all details regarding our son’s passing have included irregularities. Thailand officials said it was a self-inflicted overdose, but in our shock, confusion and grief that this could in fact be true, we remained open to hear our son’s personal narrative. The reported facts of his death were so inconsistent, they supported our belief that his overdose was not self-inflicted. We do not believe there was adequate information or evidence to make the final decision about cause of death. We relayed our concerns to the British Embassy, with the understanding that the Embassy reports to the FCO. The response was indirect, non-committal and there was no diplomacy on our family’s behalf.

During our attempt to gather information that could provide a logical storyline, the most challenging aspect was translating the paperwork. It was hard for us to get autopsy and corresponding reports in English. We hired an independent translator which, over the years, cost thousands of Thai Baht. Translations were inconsistent and Embassy involvement was very minimal. We were not provided with a FLO, referred to FCO funded NGO, victim support or the Lucie Blackman Trust.

“The Embassy did not assist us with retrieving our son’s belongings, our family also had to do this independently and could not retrieve all items.

“We cannot think of any examples of good practices. Instead, we would suggest a mandatory international investigation done by the FCO or British Embassy to avoid inconsistent reporting.”

### **Allen and Jayne Johnson’s son Will died in Ibiza**

“If one thing could come out of this horrifying experience then I would wish that airlines must be made aware of this terrible plight. Surely it is time for some changes to be made?

“The vast amount of people travelling on holiday flights and there appears to be no simple procedures in place to cater for such tragic relatives who after finally getting a flight from anywhere in the UK to be with their loved one as soon as possible then have to endure the queuing at check in and again whilst waiting to board all in the midst of happy holidaymakers.

“Simple procedures surely could be put into place to ease the appalling situation of a confused dazed and disbelieving parent on the outward journey and the totally grief stricken parent who had the most unimaginable harrowing experience of my life identifying my son and then had to leave my child lying in the mortuary and make the same journey home.”

If the airport and airline could be informed in advance that bereaved parents/relatives are travelling could they possibly be fast tracked through check in, security and boarding and also cabin crew informed of the situation.

We were informed of Will's death by a phone call from one of his friends. We rang our local police and the FCO and neither had any knowledge of this. We had 2-3 hours of not knowing if this was true and then we received a phone call from the FCO who could only confirm that a British National had died in Ibiza. We had to travel to East Midlands airport from Wigan to get a flight to Ibiza without it being officially confirmed that it was Will. We landed at Ibiza airport and were left wondering what to do next. We took a taxi to the British Consulate where it was eventually confirmed that it was Will. All this was done in a daze with no guidance or official help until we arrived at the Consulate office.

Surley there should be better communication between Consulates and the FCO. The consulate office in Ibiza is not open at weekends but there must be some kind of emergency procedure in place. It is appalling to have this situation occur.”

### **Andrea McLaughlin, her daughter Danielle died in India**

“When I contacted the FCO I was a nuisance, I was offered platitudes and no real help or support. I initially asked the FCO a list of questions when I first got the devastating news about my daughter, they contacted me by telephone with some answers, however, I was not in a position to retain this information and I never received an email clarifying our discussion.

“I was advised that my daughter’s organs were removed and retained in India [April 2017] and I asked when would they be returned? The FCO advised me they were not aware of her organs being retained, I had to send them the proof. To date, I have still not received information stating when her organs will be returned to be buried with her. It’s something I don’t relish but know is inevitable – I don’t feel I should continually have to pursue this.

*[NB 01May’19 The FCO have now informed Ms McLaughlin that Danielle’s organs were destroyed, without her knowledge or permission.]*

“Additionally, medical and very graphic post-mortem photographs were released and displayed on the Internet, which has been re-traumatising for me and my family – I’m still fighting to have them removed, but no one seems to be listening or to care.

“I feel like a second class citizen, not living in the UK [Danielle was living in UK]. The FCO should support families even if in another country. I relied on the Kevin Bell Repatriation Trust to bring my daughter home – the service and support they offered was fantastic.

But two years down the line, the trial is still at the early stages, and I am constantly fundraising to pay a lawyer in Goa to attend the trial which is a big worry, especially as the trial is on witness number seven and there are 50 witnesses in total to be heard.”

### **Angela Scullion, her son Ryan died in Spain**

*“The insurance didn’t pay out because Ryan had had a drink. Ryan was hit by a truck and severed a main artery, subsequently bleeding out. By the time he reached the mortuary, there was no blood left in his body. To prove he had been drinking the Spanish authorities took samples from his eyeballs. That is the extent they went to in order to prove he had been drinking. To this day it angers me.”*

“I spoke to someone linked with the Hillsborough campaign and her words to me were that it will never go away, you carry it until you get something done for what you believe to be right. But despite the review in 2014 we are back to square one again, nothing is changing and unless we do this [APPG on Deaths Abroad campaign] the UK government won’t pay any attention. Until we change this, that will always be our lives.

“The holiday season angers me; vulnerable kids go on holiday and when the worst thing happens to them there is nothing there for the families. We are not supported abroad. We work hard in this country to pay for a holiday abroad, they take our money and over charge us, but when we lose a loved one who helps us? We’re just ‘drunken tourists’.”

### **Belinda Stephenson, her sister Sarah Shields died in Spain**

“We raised concerns about having my sister’s body repatriated, as her return was dependent upon the accused being extradited. The FCO advised Suffolk Police, during a conference call that, as there were no refrigeration/freezer facilities in Gran Canaria, Sarah’s body was deteriorating and she would be in no condition to be repatriated. This caused an incredible amount of distress to my family, and then we later discovered that information was in fact untrue.

“Our experience with the FCO still makes me angry to this day. The extra stress they caused my family is inexcusable. There needs to be better communication, consistency and truth. I’d advise families to get an English speaking journalist on board in the country of death – we learned more from the journalist than we did from the FCO.”

### **Boyne and Margaret Annesley, their daughter Chrissy died in Thailand**

“We hadn’t heard from my daughter for about 36 hours, we just didn’t know what to do or where to go. The police knocked on the door and told us she had been found dead in her room. They gave us the FCO number, I rang them and eventually got hold of them but the only helpful information they gave was the number of our local coroner. In the following days I looked back, I had five emails from the FCO just advising about legal aid, nothing specific. I should have asked, but you can’t, you’re so dazed.

“It took about 12 days to get her home and the autopsy was no good because evidence had been destroyed and blood samples were useless because it took so long. We had no help from the FCO. I remember trying to call and getting no answer, leaving messages and voice mails. Finally I got someone two weeks later but I fell between the gaps of one person leaving and another one starting.



“I understand jurisdiction, what I’d like is for the FCO to have absolutely accurate and up to date information on countries so people don’t go there in the first place.

“There should be one person managing the case, providing translations, and better guidance. If they came to the door with that information when they notified a family of the death it would be even better.

### **Brenda and Samantha White, son and brother Michael died in Thailand**

“I naively believed my government would help me – how wrong I was.

“The FCO apparently has regular ‘customer insight’ meetings. That’s disgusting. We aren’t customers, my son Michael wasn’t a product, we can’t get part exchange or a refund, and we will never get a replacement.

“The FCO should listen more to the parents, then give them a few weeks and go back and ask if everything is as it should be for them. At the beginning, you are stunned, it’s not the natural order of things to lose a child. You are in such a state of shock, they should come back and ask if there’s anything more before it gets to the stage of months on – the longer it goes on the less chance you have of getting anywhere.

“I don’t think I’ll get justice for Michael.”

### **Brian and Denise Curry, their daughter Kirsty died in Spain**

“We are still fighting the case, our family and friends, being Kirsty’s voice for truth, justice and answers, taking on systematic failures in the Spanish Investigatory and Judiciary system. There are so many unanswered questions, and we have had to pursue our own searches for the truth without any structured support from UK, Scottish or Spanish governments. These are incredibly difficult circumstances for families to deal with”.

"The Foreign Commonwealth Office (FCO) does not provide legal written translation and legal advice to bereaved families".

“There were shortcomings in the notification of death; the FCO in London had no knowledge of the incident when we called. The ‘Lawyers list’ supplied by the consular was scribbled down on a scrap of paper. We spent the evening phoning lawyers, giving a synopsis of what happened and the next morning had just 30mins to brief him before court”.

“The lawyers list should only have experienced lawyers on it, with details of their area of expertise. This was in the 2014 consular review, which should have been addressed by now”.

"The MOU in (its current form) between the FCO, NPCC and coroners society of England and Wales on deaths abroad is a very ambiguous, misleading and contradictory piece of reading that seems to write about what it can avoid rather than what it can do. There needs to be procedures, protocols and assistance in place to assist not only future misfortunes but also current families who are the living victims of unexplained deaths abroad".

“There is legal aid and victim support available in Spain but the FCO wasn’t aware of that – they should be aware of what support is available in each country”.

“The consul assisted to arrange flights via insurance and aircraft carriers to get Kirsty’s body home – Overall we felt emotionally mugged, financially fleeced and alienated in not only a foreign country but within our own. No one should ever have to endure what happened to our family.”

### **Claire Fifield-Moore, her son James died in Greece**

“When I was told of James’ death, I was left with a telephone number for the Foreign Office scribbled on a piece of paper. I did not know how James had died or what the circumstances were surrounding his death. A friend of the family ran a half marathon and raised the money needed to repatriate James. As James had died in Greece, I wrote to the then Prime Minister, David Cameron, numerous members of Parliament and the European Union asking for help to obtain the police report on James’ death. With David Cameron’s help, I finally found out what had happened three months after James had died.

“I wrote to Sara Thornton, the then Chief Inspector of Thames Valley Police, informing her that I had obtained a copy of NPCC MoU (Memorandum of Understanding) on the Death of British Nationals Abroad in Road Collisions. The decision on whether or not to deploy a FLO rests with the Chief Officer of the appropriate Police Force and a key part of this decision process will be whether there is an investigative role for the FLO – I had to fight to receive any help from a Liaison Officer.

“We are British citizens, our loved ones are being abandoned around the World and us, as grieving families, are being left unsupported.”

### **Clare and Paul Haughey, whose son Charlie died in Holland**

Mr Haughey said: “The FCO was worse than useless and I say worse because it added stress and worry to the already existing traumatic experience. This was in stark contrast to the Amsterdam police who had clearly had ‘trauma-informed’ training using simple language and repeating what we needed to know.”

They also told the APPG that it helped receiving calls from the Amsterdam Police at the time they said they would call, even if there was no update.

We know from Clare Haughey that she took comfort in the fact her son had had a non-invasive post-mortem in Holland. She said the possibility of a post-mortem was discussed with her when her son’s body was repatriated to Scotland, which she refused. She said: “I would have been traumatised if that had happened as a matter of course.”

### **Daniela Tejada, her husband Matthew Hedges was imprisoned in Abu Dhabi**

Ms Tejada told the APPG that she repeatedly asked the FCO whether they had addressed the fact that Mr Hedges had been held in solitary confinement between May and November 2018 but was given conflicting answers depending on who she spoke to.

“There were massive gaps in communication”. Ms Tejada described the assistance from the FCO as: “Very poor. Availability is not the only need that should be attended to. In spite of the gravity of the case, I was assigned to a very junior caseworker throughout. Her lack of experience was most evident in her questionable judgement as well as the advice that she was able to provide, her autonomy in regard to the information that she was able to share and extremely worrying responses to my concerns in numerous instances.

“The problem is in London. People on the ground in the UAE did all they could.

“I have 100% no doubt that the problem is in London – and part of that is that the caseworker is not the decision maker.

“We both want for the FCO to really reassess their handling of consular cases particularly when it comes to out of the ordinary cases.

“It should not be down to luck or fortuitous factors like one’s education or solvency (like ours, which allowed me to quit my job and be well informed about how to react to the situation for seven months). It should be down to people’s freedom, to their rights. The FCO kept talking about due process but didn’t do anything to secure this.”

### **Deborah and Sharon Pearson, their niece and cousin Julie died in Israel**

“The FCO made me feel like a nuisance. When we met with the FCO and the Eilat police the FCO representatives behaved like cowards. They said we should go home because they felt they were in danger - not us, them. They were no help nor use, not pushing for answers and we had to keep pushing. They wouldn’t answer calls, I had to withhold my number to get them to answer. And no one gets back to you.

“The police demanded I speak to no media before their spokesman did, they told me not to do my own investigation or speak to anyone from before Julie died. But I carried on with my own investigation anyway.

“The FCO didn’t notify me of any support organisations, nor did they help with retrieving Julie’s personal items. I had to find them myself and get the lawyer to collect them. I had to crowdfund to pay the lawyers fees, the FCO didn’t provide funds to help with anything.

“We were increasingly fobbed off, and the staff at the FCO kept changing. There were basic failings, compounded by the issue of UK relations with Israel.”

### **Ella Goddard, her son David died in Ecuador**

“I travelled to Ecuador with my oldest son to identify David’s body. There was no contact with the FCO, nor any offer of help. Later my two daughters joined us and we

had contact with the British Embassy after visiting the morgue. The school where David taught provided a Spanish-speaking guide but they didn't have fluent English. "We expected the FCO to help but it wasn't forthcoming, the staff seemed to be at a loss as to how to locate an English speaking lawyer – we were limited to a list of 10 contacts they left for us to contact. We had to go through Ecuadorian law as well as British law to repatriate him. We called over and over again to try and get someone to help us.

"Certain things surprised me, the embalming of his body for repatriation was done without warning, there was a requirement to sign documents in Spanish with no translation, identification of appropriate lawyers – the embassy could have helped with advice and support in this area.

"I felt let down by the FCO in respect of the reaction to my pleas for help, particularly when in despair, and also over the Christmas holidays when people are off. Embassies should have systems in place to deal with the points I have raised.

"It would be helpful if these duties could be meeting the next of kin, I would love to have seen someone at the other end. I travelled back with my son, the airport could have been told I was travelling with him, just a little bit of kindness shown to me, that should have been up to the FCO. Surely a British subject deserves this privilege?

"I only wanted a kind word."

### **Emmy Webb, her daughter Julia died in America**

"The whole thing has been horrible. I didn't know whom to call. I was so busy talking to people in California that it didn't occur to me to call someone here. But since the initial call the FCO has never been in touch. I phoned them months after because I found an autopsy had been carried out, but they hadn't told me. I don't even know who identified her body. I had to find the hospital and the woman who cut her to find out why. My daughter was an organ donor, but nobody called me. When I rang the FCO I asked why no one had informed me of my daughter's death and he replied: "Well, you are telling me now."

"I just didn't know what to do – it has been a 15 year nightmare, but I have to pursue this before I die. Nobody gives a damn, nobody cares. I cry every day of my life, if I see a young girl walking down the street it looks my daughter. Thank God my husband is not alive to witness this.

"The saddest and most terrible thing is that my daughter will never have a happy marriage or a family and I will cry for her forever."

### **Eve Henderson, founder of Murdered Abroad. Her husband died in Paris**

"In October 1997 my husband, Roderick, was killed on the Champs Elysees, close to the Arc de Triumph in Paris by a gang of youths. One of the youths punched him fracturing his larynx causing him to fall to the ground. The perpetrator was wearing roller blades and whilst he was down kicked him in the head causing massive skull fractures, a haemorrhage and brain damage. My son and son-in-law were also attacked although not seriously hurt but witnessed this crime causing survivor's guilt. It was assumed to be a mugging gone wrong. My daughter, my son's girlfriend and I had already caught a taxi back to the hotel and therefore did not see what

happened. Roderick died two days later when his life support machine was turned off. I had no input into this decision. I was told the French State makes these decisions without consultation with the family. I was too traumatised to argue. I couldn't even believe what had happened."

"The French police did very little to investigate the crime and no one was ever caught. The area wasn't cordoned off and there was no immediate witness appeal even though the street was busy. Two months after the attack, on Christmas Eve, a small article appeared in the local newspaper appealing for witnesses, but none came forward. The police didn't interview anyone from a nearby bar until 18 months later, even the doorman who was standing on the street. I appealed several times to the Examining Magistrate (EM) for a reconstruction to jog people's memories, but the EM wouldn't do it."

"Many European countries have a process of judicial secrecy which means the police do not speak directly to the victim's family, only to the Examining Magistrate in charge of the case who in turn will only speak to the victim's family's lawyer. I just didn't understand the system. Instructing lawyers to talk to the French police, getting documents translated, and attending the different appeal courts, was expensive and frustrating as well as distressing. Throughout all the appeals right up to the French supreme court my lawyers were assuring me that the investigation was negligent in many areas, but the French judicial system would not admit to any failures, and even blamed us, the family, saying we were unable to provide good descriptions of the gang, and failed to report the matter immediately, even though I had to go to 3 different police stations in Paris before anyone would listen to me. Much later I saw Roderick's Hospital Admittance Notes that clearly stated "Man brought in by the paramedics following an attack on the street" so they did know he had been attacked within hours. There were also major questions about his treatment; despite the fact that Roderick was unconscious, no scans were taken until the next day, when it was discovered he had a massive brain haemorrhage. The 'if only's' are the stuff of nightmares for me and most families in similar situations."

"I received very little help from anyone at the British Consulate in Paris even having to queue alongside people waiting for passports or visas and then when I was seen I had to speak to the staff through glass at a counter."

"When I returned to the UK I was shocked to discover that there were no procedures in place to support my family through the following months. I knew nothing about Coroners or the purpose of an Inquest. If guidance existed, no one told me. So I got in touch with John D.... whose 14 year old daughter was raped and murdered whilst on a school trip to France and he, in turn, put me in touch with Roger P..... whose daughter was murdered whilst studying at a French University as part of her degree course. These two men were a tower of strength and gave me information about the French legal system, the problems of Judicial Secrecy, and the UK Inquest procedure. Peer support was invaluable."

"The response from my local police station when I contacted them was "sorry, but its not our jurisdiction – we cannot help". At the Inquest some 9 months later came the verdict of Unlawful Killing which I thought might provoke more help but instead that was the end of the matter here in the UK. It took me 18 years, and a lot of money, to

exhaust every avenue within the French legal system but my case, based on the negligence of the investigation, went to the European Court of Human Rights. I was very grateful for the support of my lawyers, who found me a pro bono barrister. The ECHR's verdict was that although there were many 'small' negligences in the investigation they did not add up to gross negligence. The French state could not be held to account. It was an emotionally draining journey over the years but I thought then and I still do that it is essential to do whatever one can if it could prevent another family having a similar experience."

"That weekend in Paris changed my own and my family's lives for ever. Roderick and I had been married for 32 years, we had two children and Roderick ran a small engineering business. He was a happy, generous, laid back, charismatic chap whom we all loved. We enjoyed a good lifestyle and we were looking forward to retiring and spending more time with the family and maybe travelling further afield. Who would have thought that an evening out in Paris one balmy autumn evening could end life as we all knew it – certainly not me. Looking back with hindsight, yes we were devastated about what happened in France but even more shocked that there was a complete lack of support from the British Consulate in Paris and all the statutory agencies here in the UK (FCO, UK Police, Coroners). That can't be right. Only the crime occurred abroad, the victims' family lives here in the UK and they need all the help they can get."

"Over the last 20 years I have learned so much from my own case and from my work with other families who have come to Murdered Abroad. There is something very special about meeting others to whom you do not have to explain how you are feeling, they just know. At our meetings, people laugh and cry in equal measure, no one judges anyone. Talking things over with someone who truly understands is a real benefit and goes some way to alleviate the isolation we all feel."

### **Fiona Scott Lazareff, her son Nicolas died in Russia**

"My son went missing in Moscow, his brother was really worried, so we advised him to go to the police. We rang the British Embassy and asked them to take my son and his friend (both 20) to the police station, to provide support, but there was no one there but a receptionist. There was no local support at all. We were incredibly worried by this point so we called the FCO but the guy didn't seem to be worried, he just said 'I'm sure your son will come back'. There was no offer for help at the police station.

"My son has dual nationality so he rang the French Embassy and they sent someone to the police station. They were really helpful, started investigation with the police, checking hospitals and starting a search for him. They met us at the airport, gave us accommodation at the embassy, repatriated my son and provided huge support for my other son until he was able to come home. They took the whole thing over, like a good friend. In the meantime the same man at the FCO decided not to take any notice.

"The police asked if I had his IMEI number, I didn't know what that was. It's a unique number on a mobile phone, and even if the phone is out of battery or stolen it can be traced. They traced my son's mobile to a place where they were selling stolen mobile phones and found the taxi driver who abandoned the boys after taking their mobiles and credit cards and left them in minus 15degree temperature on the outskirts of Moscow.

“Please make sure your family gives you their IMEI number so they can be traced in the event something terrible happens.”

### **Genevra Pope, her son Jason died in Angola**

“Each trauma – murder, missing, abduction, deaths, forced marriage, terrorist attacks, arrests – is different but every one has a factor in common and that is that they occurred overseas. The difficulties people face haven’t changed [in 20 years since the death of Jason] and sadly neither have the complaints. People travel abroad believing the FCO will help them, but at a time when people least need their beliefs shattered, reality hits them in the face.

“The FCO throws responsibility on to the individual and says they need to take out comprehensive travel insurance; I agree wholeheartedly, but the problem is that comprehensive travel insurance doesn’t exist. It could exist if there was an element of travel insurance that was mandatory – Trauma Travel Insurance (TTI). Not everyone takes out insurance – one in four has no insurance – so a voluntary levy wouldn’t fit the bill.

“People find out what has happened to their family from the media. The FCO has to work with the family to ensure that doesn’t happen until the family knows. The media has to be brought on board because sometimes the situation needs media pressure and sometimes it doesn’t. But every family has a right to privacy and shouldn’t be paraded just for the media.”

### **Gurjit Thandi’s uncle Rajpal died in India**

“We were given a list of 20 lawyers, all very expensive, but no information on their experience or expertise.

“The FCO could have been sympathetic, but they weren’t. It was very harsh to be told there was nothing they could do help and that we should contact the police, they gave no direction as to whether it should be the UK or Punjab police.

“We had no other contact with the FCO from 2015, but have since written letters, got in touch with the Prime Minister, with an attachment of the FCO letter dated 2015 saying they were ‘looking into’ the case. The new desk officer has apologized, but has given no explanation why they haven’t been in touch.

“I find it really disgusting that if we are not pushing it, they are just happy to leave it to the side.”

### **Gurpreet Singh Johal, whose brother Jagtar has been imprisoned and tortured in India, where he remains**

“I have relayed the family’s concerns to the FCO and been advised they cannot interfere in another country’s legal process, but I firmly believe the FCO is using this as an excuse not to do anything and if they wished to, they could have my brother out on bail at the very least. The FCO’s strategy is not effective and has been ineffective since November 2017.

“I expected better support and understanding from both FCO and UK embassy, their support has been and continues to be of no use, they provide little or no detail to the family and instead repeat the same lines over and over again. There have been seven case workers in the matter since 4th November 2017, the senior head of policy has left and the new head of policy has caused a further friction given the change in the way she wishes to proceed.

“There needs to be better communication, and the FCO needs to provide more assistance to the person detained and support to the family, both in the country they are detained and in the UK. There is not enough information provided by the FCO; they expect you to provide them information but do not release information themselves, it also appears that they wish for matters not to be disclosed and if they are disclosed to the media, that’s when they actually take action.

“The FCO has not considered the political dynamics of my brother’s case and it is embarrassing when the FCO’s report does not include India in its human rights report for raising concerns.”

### **Harry Lindsay, his son Christopher died in Spain**

“The FCO advised us to go home straight away and take Christopher’s body back to the UK – but that was the worst thing we could have done. We should have gone to the police station where Christopher was found, we could have asked which policeman picked him up, which ambulance took him? But we had nothing. All their stories were the same. Had we stayed and asked the questions we could have taken it to court. The FCO was a complete failure for proper advice.

“When we did contact Spain it was to ask the hospital for my son’s clothes. We never got them back. They did send me a watch though – but it wasn’t Christopher’s.”

### **Helen Jordan, her sister Lisa Brown is missing presumed dead in Spain**

“Lisa has been missing since November 2015, and we had no contact from the UK authorities until FM Nicola Sturgeon intervened after we wrote to her – the next day we got phone calls, the FCO was falling over to help us.

“Even now, after all the meetings, we have very little of significance. It takes months to get questions answered, if you’re lucky to actually get an answer. Another year has gone by. Is it any wonder families feel completely let down? From our point of view and other families, the FCO wishes we would give up.

“The UK FCO is a disgrace; “We are liaising with the family,” they say in response to media questions, but it’s not true. We’ve had no more than four phone calls in all those years. We need assurances from our own government that although a crime is committed in another country, it will be investigated properly and evidence should be examined as a matter of urgency. We were extremely shocked to discover in our case police are waiting for results from evidence sent for testing more than a year ago – we’re now anxious, given the time that has passed, that potential crucial DNA evidence was maybe not tested, or lost or destroyed.



“There is a complete lack of communication, cooperation in sharing and acting on information received from various organisations in the UK or abroad with families and witnesses.

“Better practices need to be put in place so families have more confidence the government is doing everything possible to give help so badly needed.”

### **Hilary Innes, her son Peter died in France**

“We experienced a number of important and upsetting things, first being told via the consulate that our son have been found, then for our daughter to tell us he was actually dead. The consular representative then informed us he had taken his own life – from that day forth there was no support for the family from anyone in England.

“British police were informed he was missing but after a brief conversation two days later they made no further contact. Lack of contact was reputed to be because the FCO informed the police not to attend the family. This was flagged with the police as there were issues with a parcel addressed to Peter and a Facebook message. The police apologized and implied they should have visited and given us some bereavement information. No FLO was appointed – apparently the FCO did not consider we needed any input. It appeared to the family that Peter was now ‘a body’, of no significance, and therefore his death did not matter as it was one of many in Marseille.

“Recently we have had an update, which is particularly distressing; we were informed in April 2017 that Peter’s organs were returned with him to the UK. In February 2018, we made a request to the investigating judge to confirm 100% that the organs had been returned. However, confirmation from police records indicates this is not the case, Peter’s brain, heart, liver and kidneys are in a hospital in Limoges, and they will now have to be repatriated.

“We have been left to deal with misinformation from a professional individual, the burial of a skeleton with decomposing flesh, enduring a memorial service because the coroner had not released the remains, followed two months later by another service and a burial. Now, at great expense, we must organise repatriation, and a funeral service burial which will involve digging up Peter’s grave in order to intern his organs.”

“I believe the consular staff stopped the British police coming to our house to tell us the news. We got no further support from the British police, no FLO, no bereavement advice and only FCO stuff printed from the Internet.

I flew out and went to the police station with consular staff, but there was no offer of translation or support or a lawyer. I was asked to sign a document, but they never explained the contents. We were in shock, so I just signed it. Six months later it transpired the document had things I had no knowledge of in it.

“In February 2016 [nine months after Peter was found dead] we made contact with Victim Support and we employed a lawyer. In April 2016 we were informed by the consular representative that the prosecutor would write to explain what happened to Peter, we still haven’t heard from him. And later we heard he closed the case.

### **Ian Mallon and Gillian Veldon, their son/nephew Craig died in Spain**

“I am really angry now at the way I have been treated, I’m disgusted at the way the British government has treated our family.

“After Craig died the atmosphere in the house changed, it was like the end of the world. I haven’t worked since then. I don’t think we’ll ever get a conviction but I’d like closure. It has consumed us, our lives, our health. I’ve had a stroke and two heart attacks. My wife died aged 48; she hardly got out of bed for the first three years, she couldn’t handle life. Just before she died she said she wished it would just stop. But it’s coming up for six years now and we are still no further forward. It would make a huge difference if we had been treated properly, with honesty.

“Would things change if, God forbid, it happened to someone in power?

“Seven years down the line, I am still no further forward, I was told the only way the British police can be involved is to be invited; well surely after this length of time, someone in power within the British, Scottish, or Spanish governments can arrange this? After all the British government recognised Craig as a British citizen when he paid his income tax, and may I add Craig was very proud to be British, but the sad thing is in his time of need he wasn’t classed as a British citizen.”

### **Janet Southall, her son Gareth died in Malaysia**

“When something like this happens you become virtually incapable of organizing yourself and you need support. I had six desk officers over a period of 50 months. There needs to be consistency. This would reduce anxiety and give assurance if you know who you will be dealing with, without lacking trust. There was a lack of empathy, they weren’t sympathetic to individual needs, and staff were moved on without letting us know.

“I have made several FOI requests about Gareth’s case, but it has not been straightforward. I’ve received five emails in response, each citing the withholding of information under different circumstances, shrouding themselves in secrecy. They were protecting themselves, the FCO was doing its job but without compassion or seeing the needs of the individual. There was a lack of communication – it feels like a fudge.”

### **Jean McCulloch, her son Alan died in Cambodia**

“A friend of my son’s called to tell me Alan had drowned. We phoned Govan police station but they said it was an international issue and nothing to do with them. My daughter phoned the Cambodian Embassy and confirmed it was him. The FCO didn’t have any information about it. They later told my daughter the undertaker had his body, if he hadn’t taken Alan they would have burned him after three days.

“We arrived and there was no one from the Embassy to meet us, but the undertaker called to say he would meet us. We made the decision to cremate him across there, it was a lovely Buddhist service. The FCO still never made an appearance.

“The undertaker did everything, from getting Alan’s stuff, taking him from the beach, he was amazing, organized the service and the paperwork to bring Alan back, he got

everything translated for me. He did all the work the other organisations, the FCO, should have been doing.

“I am still waiting for the FCO to tell me my boy died [now six years later]. I was told by a complete stranger who broke the terrible news.”

### **Jeanette Philpotts, her niece Jessica died in France**

"The FCO staff didn't meet us in either this country or in France. They made one phone call on 'how to repatriate a body' and emailed a booklet on how to do so from abroad, to my brother, directly after he had been informed of the death of his 12 year old daughter.

"Our expectations were that when we learn that something tragic abroad has happened to a UK Citizen, we hear "...and the Foreign Office is in contact with the family and is doing all they can to support them". So we expected a well-rehearsed procedure to be immediately implemented. Someone getting in touch with us and getting us to the hospital in time, but instead we were left to speak to the travel insurance company\* to help make the necessary travel arrangements, using our own money, which then had to be reclaimed.

"We expected that when we got to Liverpool Airport, someone from the FCO would meet us and take us through what to expect. There was no one. In the departure lounge, we were tannoyed back to security and a police officer had the awful task of telling us that Jessica had since died. They asked if we still wanted to go to France? We said that of course we did and so they escorted us through the airport. We were crying all the way.

"We thought we would be met at Limoges Airport, but we just got a phone call from the FCO to explain the repatriation process and an email of a pdf on how to do so!

"All the paperwork was in French and so we got the Court documents translated ourselves, which turned out to be absolutely crucial, as we had only 15 days to respond. The FCO should have informed us about this, it could have been a disastrous failing and we would not be able to act as *Partie Civile* on behalf of Jessica. There was no support for translations or anything like that. We had no savings, we even had to put our home up for sale. We received appalling support from the FCO.

The current blame culture means that no one will admit anything, no one will apologise, and no one will actually do anything.

"To say we feel badly let down is an understatement. There is a real gap in bereavement support in the event of a UK Citizen, let alone a UK child fatality abroad.

"We think the term should be 'FATALITY' abroad, rather than 'murdered abroad', to cover a wider spectrum. There should be proper procedures for a rapid response/international rescue team and the FCO MUST MEET families to support them (physically, emotionally and financially) with flights, translation, repatriation etc. As it currently stands, the FCO have absolutely no power or jurisdiction in any country outside the UK, so there is no one who can assist with guiding or smoothing the pathway and processes in other countries for any UK Citizens who happen to find themselves in such dire circumstances in a foreign country.

**Jeanette Rooney, her mother Agnes died in France**

“My mum had gone missing so I phoned the FCO and they told me to contact the local police, who came out straight away. The FCO gave me no information whatsoever. The attitude of the woman at the FCO was appalling, she made me feel like a nuisance.

“It took nine weeks to identify my mum’s body and then two and a half years to repatriate mum. I wanted her organs back, I wanted her heart back, and they couldn’t me that until the investigation was closed. Then when we got her body back her organs weren’t there. Mum came back just before Christmas in 2015 but it took until February 2016 for her organs to be repatriated.”

**Jennifer Skilbeck, her daughter died on La Reunion Island**

“The FCO sent the police a fax to come and tell me of my daughter’s death, but they never came, and it seems the FCO didn’t follow it up. The FCO also told the family where my daughter was staying that they should not tell me, which they found very difficult, because I called a number of times having expected to hear from my daughter. I was actually told about her death by a friend – word had come out on social media. I then had to call the FCO myself for confirmation.

“My daughter died in her gap year and a boy from her school also died around the same time while on his gap year in South America, so the coincidence made the newspapers. They reported the FCO as saying both families were being supported by the FCO – that still annoys me, and produces a wry smile when I read the same comment in later cases.

“When my daughter died it was as if my brain had gone up in the air, and it took years to reassemble. I saw the world differently. I didn’t react well to other people’s involvement. People need to understand that you are thinking differently and be very patient and understanding.

“The coroners’ service here had an amazingly sympathetic and kind woman dealing with this for the UK coroner, she looked after everything and she would always call when she said she would, even if she hadn’t found the answer for me. She took responsibility, and I feel it’s not a lot to ask for someone who is trained and experienced to do that, because when you lose someone abroad you don’t have the knowledge and experience to deal with the smallest thing, even, for example, in my case, how to prove I was entitled to take my daughter’s body back to the UK. As far as the FCO was concerned, apart from not being helpful, they weren’t kind. The coroners’ officers do a fantastic job, they could teach the FCO a thing or two.

“My late husband was a diplomat and I had contacts quite high up in the FCO, and even with the involvement of a Senior Ambassador, I got no more help. My understanding is that since the consular activities have been subsumed into the FCO (it used to be a separate service) helping people abroad has become an ‘Aunt Sally’.”

### **Jo Hibbert, her aunt Celia Holmes died in Bulgaria**

“The FCO or embassy staff did not meet with us at any time. We expected they would offer support at all times – that’s what they are there for, aren’t they? We received no support from the FCO at all.

“I feel that someone should attend in person to help at such a difficult time and not leave victims on their own.

“Most people have no experience of the FCO, we see depictions on television and assume them to be true. Fact and fiction could not be further apart in this case. They did nothing at the time and their website does not encourage contact or give clear direction. As a result we were in limbo for a year until the case progressed in Bulgaria and, even now, we are not comfortable with the process and communications we receive from lawyers.

### **John and Ceri Channon, their son Thomas died in Spain**

“We were informed by local police that Tom had died, although it was unclear what happened. They provided us with a telephone number for the British Consulate in Palma, but informed us there were no arrangements for a liaison or support officer to visit us once they had left. Following our protestations at such a situation, they rang their sergeant who provided a telephone number in Penarth, but not a direct contact number or mobile. There was no suggestion that we would be contacted by an appropriate charity and we were not given details of any such organisations that specialize in support families under such circumstances.

“When the police left we rang the British Consulate but the contact person had very little information concerning Tom’s accident and informed us that they couldn’t provide any assistance or support because it happened outside of British jurisdiction. Following heated conversations between us, we were advised to contact the FCO in London. A similar response was received from the latter.

“The FCO did not provide details of a family liaison officer or any FCO funded NGOs. But most distressing was the fact that the consulate had not seen the need to take action after the fall of another British person from the same spot only five weeks earlier, even though opportunities clearly existed for doing so.

“The consulate in Palma provided me with a list of English speaking lawyers in Palma, although some of these lawyers required another English speaking person in the office to interpret. I received the paperwork in Spanish to be able to bring Tom back to the UK, and some pages were translated by the local funeral directors, through the insurance.

“Following the greatest shock that any parents can receive, and the emotional trauma that this entails, we were then left to deal on our own with all the administrative matters that have to be dealt with in such a situation.”

### **Julie Love, her son Colin died in Venezuela. She established the charity DAYNA (Deaths Abroad You’re Not Alone) in Glasgow 2012.**

“Colin was 23 and on a Caribbean cruise with his friend. The ship docked and he went to a recommended beach but died in a rip tide. He was a great swimmer. It was a

really tragic accident but could have been avoided - there was no mention at that time that beaches were notorious for rip tides.

“When I found out, shock set in. I didn’t know who to contact or what to do. Family and friends appeared. At 1am I phoned the FCO, who advised they had no confirmation but would get someone to phone me – I never got a call.

“I was calling the Scottish government, police, anybody, I didn’t know where to go. I planned to go out to Venezuela on Saturday but was told if I travelled it would delay repatriation. It was a muddle over that weekend.

“I discovered that the authorities had left Colin’s body lying on a sun lounger for seven hours. How dare they treat my son like that? There was footage of that in the Daily Mail and I had media turning up at the door, I was not at all prepared for that.

### **Kathryn King, her mother died in Spain**

“Because of the suddenness of my mother’s death, I was thrown into a situation I had no previous experience of, handling phone calls from the repatriation company and travel insurance company as well as the emotional support of my family and informing our friends at a distance from home.

“Although we received good support from the holiday company, hotel and repatriation company, I wish I had asked more questions at the time about how and where my mother was found and the exact circumstances of her death and if anything more could have been done to save her etc. As things stand, we will never have answers to those questions.

“The repatriation company provided a brief (one word) translation of the cause of death, but we used Google translate to translate the details of the embalming procedure, which was distressing. We had been told that some UK authorities would not accept a death certificate in a foreign language so I made enquiries about the cost of translating it and was quoted at £100. In the event this was not necessary as all authorities accepted the Spanish language death certificate. However, there was some initial confusion from the funeral director about whether the UK authorities would also issue a death certificate: they advised we needed this before the funeral could take place. Eventually a phone call to our local coroner confirmed that the Spanish language death certificate was the only one that would be necessary and the funeral went ahead on the planned date.

“I would particularly like to emphasise that we were only in the fortunate position of receiving such good support because we were with a package holiday company and my parents had purchased travel insurance. I think the FCO should do more to highlight the risks holidaymakers and travellers face if they do not have either of these.

“It would be helpful if the FCO could be informed of the deaths of any British citizens abroad and be in touch with the family to advise what services are available and how they can be accessed.”

### **Keith Miller, his son Adam died in Egypt**

“When we contacted them on the day Adam died, the FCO sent us a copy of a book, Guide for Grieving Families. That was it. The only other contact was when they contacted us after we had repatriated him informing us that he would not be back in the UK until the following week. We informed them that we had already dealt with it. We have had no other contact with the FCO. My son was part of the Diver Assistance Network and they helped us a lot.

“Repatriation from Egypt was challenging, bodies can’t be flown out of Sharm el Sheikh, they have to go from Cairo,

“But the whole thing was down to us. I went out and dealt with it as a ‘project’, I had to remove the emotion, that it was Adam, and deal with it as a piece of work.

“I have to question if the FCO is there to help British people.”

### **Kirsten MacNicol, her brother Kenneth died in Spain**

“We had insurance, it only paid out repatriation, not compensation. We were told when he came home he wasn’t in a good state, but the insurance said they would take care of all of that over there – we’ve got no embalming certificate. They flew him home quickly, they just want you out of there, they don’t want you asking questions. I wish I had stayed a few extra days, I would have got a lot more answers.

### **Lehane Sergison, her aunt Christine Robinson died in South Africa**

“At the time of the murder I contacted my MP for assistance, but he refused to help, he said it was a matter for the FCO, but my parents’ MP did help. My aunt was murdered in July 2014, in the years since then the assistance the FCO has offered has been woefully inadequate. I have received all the platitudes and sympathies available by a host of officers, to date we’ve had five different officers and only recently made progress [July 2018]. We were initially told that we would receive monthly updates but this has not been the case.

“I fully understand that justice cannot be achieved overnight but we are nearly 5 years down the line and it has only been because of my persistence that the FCO has continued to put pressure on the South African authorities.

“My aunt was a British citizen working overseas, she was proud to be British. In my naivety I always believed the British government would offer support to citizens overseas – how very wrong I was, I am aware of countless families who are currently aghast at how little support they are receiving from the FCO.

“To be effective the FCO needs to provide a comprehensive service that meets the needs of its citizens.”

### **Les and Dorothy Daly, their son Glen died in Greece**

“Just before Glen left for Crete I called him and recommended that he took out insurance with Insure and Go as they were one of the cheapest insurance companies around, envisaging it would never be used. He said ‘Dad I’ve already taken it out with

the Post Office.’ I said ‘you have probably paid four or five times the Insure and Go premium’ but it was done.

“After meeting the consulate official in Heraklion where she asked if Glen was insured, it became clear we were on our own in arranging Glen’s repatriation. She gave us two sheets of paper, one listing lawyers, the other undertakers.

“I phoned the Post Office and they provided first class assistance in arranging his repatriation.

“I would like to say although they provided first class assistance, as Glen’s grief stricken family we were desperate for someone, the consulate to step in and take ownership of liaising with the PO.

“I hope this gives you some small insight into what my family and our fellow members over the years have had to go through and contend with in the absence of any real help from the FCO. I really do feel our members and those who are yet to find us deserve better.”

### **Liz Chandler, her grandson Liam died in Greece**

“My daughter Natasha was visited by a lady from the British Embassy in Crete at the hospital to give a statement of events, on the day following her son’s death, but this is a ‘blur’ in Natasha’s memory and I personally never met this person during my vigil next to Natasha’s bed.

“No one from the FCO approached us at any time after our return to the UK. The only support we had was from police FLOs and Murdered Abroad [charity]. My now husband phoned the FCO in London after several months and was told it was not within their role to be of further assistance. Several months later on the advice of Murdered Abroad to take our important queries to the FCO, again he was brushed off. He then asked ‘Well surely there must be a caseworker there for Natasha?’ and the lady, whom he had talked to before, admitted that she actually was the caseworker. He queried why she had not told him previously of this and she said that Natasha had been offered help by the British Embassy lady at the time of taking the statement at the hospital but she said she did not need any further help. This was the reason given for no one contacting Natasha again on her return to England. Natasha was deeply traumatised on the night of Liam’s death, how on earth was she supposed to know what services this FCO representative could actually offer or whether she needed it? She was frozen with shock, trauma, fear and grief.

“Eighteen months later, at the trial, two representatives from the FCO in Greece attended the court hearing in Crete. They told us they were not able to translate what was being said by the Greek officials or witnesses. We never could work out what their actual role was. The press kindly offered to pass on to us information given in the court by their translator to us, which as you can appreciate was not a word for word account, but at least they were kind enough to see the difficulties we were encountering. No one pre-warned us that we should have a solicitor (Natasha was just a witness), or that it would be necessary for us to organise and pay for a translator – the FCO could have at least given us this important advice.”



### **Mrs Adomako's daughter Elizabeth died in Azerbaijan**

“The police abroad took us through a booklet of photos to show us what happened. There were pictures of her on the ground with her head smashed up. I remember to this day she looked asleep on the ground, but the huge stain remained there for the three weeks it took us to get her home. We signed a form allowing us to access everything after the investigation was completed, but we still haven't had it.

“Police abroad kept pressuring us to get rid of the body. Each day we had different people at the police to speak to and no one to guide us through. Elizabeth was wearing completely different clothes from the ones mentioned in their report.

“We couldn't even dress her for the funeral, every bone had been broken, we had to lay her clothes on top of her. The funeral home was in tears, told us the body was in such a bad state they couldn't do an autopsy.

“The FCO in British Embassy met with us and gave us un-updated leaflets to help us to prepare Elizabeth's body for the repatriation, and we also met some British Embassy staff several times, but that was all. We had desperate need for some legal advice, but British Embassy staff told us they don't have solicitor. Using their leaflets as our navigating tool, we tried to find the place to register Elizabeth's death. It was impossible. We complained to the Embassy and we did get an apology and next day we also had a person from their admin office and the driver to help us find the place.

“On top of this we had to battle with the insurance company to get them to pay for repatriation, if it was found to be suicide we would have had to pay the money back – they looked up local news reports (very inaccurate) to get out of paying by saying she committed suicide. We spent three very long and expensive weeks there. Before we left England someone told us it will take us about a week to bring Elizabeth back.

“The post mortem here revealed that Elizabeth's brain and one of her kidneys were missing, but the report from abroad said: “she had two kidneys and two hearts”. How is that even possible?

“Elizabeth's passport was put on the wooden coffin, which was then put inside the metal box and sealed in front of us. On arrival to London there was no passport or documents to be found.

### **Mark Cook, his grandmother Violet Price died in France**

“You are plunged into a world you know nothing about. In the UK it would be horrendous but you can speak English and understand a bit about the legal process. Abroad you can't speak the language or understand what's happening. People die everywhere – the FCO or the Embassy should work out how it works, create a fact sheet. It seems really straightforward.

“We lost our business, which was tied to our family home, so we lost our home. The only other option was to live in our holiday home in France.”

### **Maryanne Beare, her son Charles died in Sri Lanka**

“While some things worked with the FCO (such as advice on the media, how to handle the insurance company and reassuring the British vice consul would meet with me to

visit the Homicide Police investigating Charles' case), there was a number of things that didn't, including important advice about the 'no body no inquest' policy in England, which should have been made very clear from the beginning when I was discussing repatriation or cremation in Sri Lanka with the FCO.

"Not to have my calls returned, emails ignored and promises not adhered to by the FCO has added to my anxiety of being abandoned, hopelessness and frustration. I totally understand that the British consulate can only do so much regarding investigations but I also understand that they can do a lot more in helping to obtain information available to pass on to me. I find their advice to get a lawyer to do this is not acceptable. Trying to get this kind of help and understanding from them on top of dealing with grieving for my son on my own continues to take a huge toll on me.

"When discussing what I wanted to do with Charles' body, whether to repatriate or to cremate him in Sri Lanka, I felt rushed to make a choice as to what to do. As his next of kin, and having no funds, I was leaning towards cremation in Sri Lanka as the cheapest option. Luckily for me a lawyer friend told me about the 'no body no inquest' policy in England, so I was able to make the right choice and bring his body home – this policy should have been made very clear to me from the beginning.

"The learning here, despite my son being 'just another case' to the FCO, is that the department is dealing with human feelings and emotions; the point of contact in both the FCO and the British consulate are to whom the family looks for support – not to be frustrated by. It therefore needs individuals who have the sensitivity and the skill set to manage, communicate and deliver the hard and soft elements of a loved one being murdered.

NB "This is how I experienced the FCO for the first 6 months of dealing with my Son's murder, however, things have since improved immensely. The relationship I currently have with the FCO is indeed very positive. I hope this care continues regardless of change of personnel."

### **Mary Dejevsky, her husband died in Italy**

"I contacted our UK insurance company, which had an Italian-speaker on duty, who liaised with the emergency services. The Italian police gave me the emergency number for the British consulate in Rome, which I called probably around 2300 (2200 UK time).

"The consulate in Rome had a recorded message saying to call the emergency number, which they gave, in the UK. It was late on New Year's Eve, and that was understandable. I called the new number, and – to my slight surprise – a duty officer answered. After I said what had happened, she asked whether we had insurance. I said yes, she sounded relieved, asked for my coordinates, and said someone would be in touch the next day.

"I heard no more from the UK authorities until, I think the Wednesday afternoon (3 January) or maybe the Thursday, when I returned a missed call from Rome. It turned out that the British consulate had just received a call from the city police in Palermo, asking what they proposed to do about repatriating a British citizen who had been in

the mortuary since 1st January. The consulate – apparently – queried whether the individual was British. After being assured that he had a UK passport – the police had taken a photocopy at the scene - they contacted the Foreign Office in London. As the consular official told me, they then trawled back through their records, found the log of my call late on New Year’s Eve, and finally passed on the details (which included my coordinates) to Rome.

“I had the impression that the consulate felt London had not done its job and was not at all happy that the first they knew about it came from the Palermo police. They also assumed that by now I was back in London (I was still in Palermo).

“The consulate then emailed to me what I assume is the standard Foreign Office package for such eventualities, which is quite heavy reading. I don’t remember anyone offering ‘to take me through it’, but perhaps they did.

“This is absolutely not a reflection on the quality or expertise of the consular staff in Rome, and I know that, largely for cost reasons, UK (and other) representations increasingly employ ‘local hires’. But there are times – and the sudden death of a spouse or other close relative is probably one of them – when it is reassuring to deal with a compatriot, both from the point of view of language and just familiar mores. As I say, I have no criticism whatsoever of the people I dealt with, but this is something perhaps to bear in mind.

“It seemed to me that communication between different bits of the Foreign Office wasn’t wonderful especially as – given time differences and public holidays – deaths abroad don’t always happen to suit UK office hours. In my case the emergency lines worked fine but the information wasn’t passed on. I also felt that cases of UK citizens who die abroad could be tracked rather more efficiently, until either the remains or next-of-kin, or both have returned home.”

### **Melanie Orzechowska, her uncle Marino Orzechowski died in Doha**

“We just feel like the FCO don’t care, they’ve no interest in assisting with the death of a British Citizen abroad. We feel like we are a burden to them, a nuisance, as though i am causing them a huge inconvenience, that we will hopefully go away if they keep responding with, “get a lawyer”. What does the FCO do? We are intrigued to know more about what is expected of them, what they should be doing to help because so far, they’ve done nothing. As i mentioned above, instead of saying “sorry for your loss - get a lawyer” they could have shown empathy and gained my respect by saying for example, “really sorry this has happened, here is a list of what we can do to help... i will ensure that so and so contacts you directly and that will be your point of contact for any questions you may have.” - Something along those lines would have been much appreciated.

“Why can’t they be involved in a case which has happened to a British Citizen abroad? Or is it that they are involved when it suits, because of media involvement or pressure? Why can’t they just provide us with simple contact details, phone numbers, names/ contacts and direct emails to the person that could potentially help? Why is this an issue and how is this so difficult? We feel as though we have a battle to fight with the FCO for help and were are not onto the battle for unanswered questions yet, just literally to have some common sense, some empathy and understanding to this

situation. Surely, there must be something set up where we are given advice on who to contact, a liaison officer, counselling, support - why doesn't this happen? There is no financial help, why?"

### **Michael Porter, his mother died in Greece**

"I had input to the inquiry in 2014 and I knew nothing would change, there's such a lack of transparency.

"Here we are in 2018 and families are still being let down. You have to sell your soul to get something that should be given to you, there is no legal aid for victims abroad.

"It is so wrong that aid and support is available to the accused but the family of the victim get nothing at all to help them cope with the process. The costs associated with dealing with a death abroad include flights and accommodation, legal fees and translation costs to name but 3 and these can be so high that they can cause financial problems on top of the trauma of dealing with the loss of a loved one."

### **Pamela and Andy Russell, their son Cameron died in Bulgaria**

"We felt totally let down, upset and abandoned. On top of our grief, I also had PTSD due to the nightmare of traveling to Bulgaria and back, I had to have counselling. After Cameron died, we were left completely on our own with no support from Police Scotland and we weren't put in touch with a FLO.

"I'm still in shock and disbelief we were left on our own to try and deal with the news of our son's death and find our own way home with absolutely no support at all. Everyone we have spoken to since can't believe this happened to us as we all assumed the FCO would have stepped in and helped us in every way they could. Surely in these situations there should be a phone number for relatives to call and someone to make arrangements and offer help to families who are facing the very worst time in their lives – we sincerely hope that in future that will be the case.

"We had no idea what to do. Cameron's friend got us on a flight, and the Embassy booked us a hotel. The tour rep took us to the hospital. The staff in the hotel were unhelpful, everyone was hostile and unfriendly, it was very frightening and we didn't know where to turn for help. It was really difficult to get a flight home, I had a panic attack and was very distressed and upset, and people at the airport were just staring.

"We were told there were no seats on the plane, it was overbooked, and even when we explained what happened no one would help. We went from desk to desk asking for other flights. We were offered one seat on a flight to Luton and one to Gatwick. I'm scared of flying, so this was very traumatic, I felt totally abandoned and heartbroken."

### **Patricia Harrington, her son Ben died in Thailand**

"My son phoned me to say 'they're going to cremate Ben', I just said stop them, they do not touch his body. I wanted him back, I wanted to see him and say goodbye, I wasn't saying goodbye to a box of ashes. They kept him in a temple for three days before he was repatriated to Bangkok, we were charged £500. We had no help from the FCO with repatriation. We went to Heathrow to meet him, but customs wouldn't let Ben's body out for 12 hours they wouldn't let him go because they were waiting for the

sniffer dogs. There was 7.5 litres of embalming fluid in Ben; he became so bloated they couldn't get him out of cold storage, then had to wash him out for 24 hours because he was so toxic.

"They did a post mortem here in the UK but there was so much embalming fluid they couldn't do much. The Thai police said Ben died of a road traffic accident, that he hit a pylon and broke his neck. The post mortem said his head was facing the other way so I asked for more evidence. I was told most of the bones in Ben's body were broken – apart from his neck.

"I remember trying to call the FCO and getting no answer, leaving messages and voice mails. I finally got through to someone two weeks later but I fell between the gaps of one person leaving and another one starting. I want others to get all the help because we've had nothing at all. I'd like for the FCO to have absolutely accurate and up to date information on countries so people don't go there in the first place. Only one person should manage each family, translations should be provided and better guidance. If they came to your door with that information it would be even better.

"I wrote to Harriett Baldwin [minister] and we put lots of questions in asking for things and she answered them all, but she doesn't promise any action. I need to compose another letter because I'm not happy with the response I got."

### **Richard Ratcliffe, his wife Nazanin is imprisoned in Iran**

"Our story is a live battle, shining a light on the way the FCO copes and doesn't cope. My experience is that people are trying to help but are limited in terms of resources and priorities, and that's a policy decision made by the UK government.

"For the first two and a half years, until the Foreign Secretary considered Nazanin's application for diplomatic protection, the UK government never criticized the legal process in Iran that convicted Nazanin, we still don't know what she has been convicted of.

"On the one hand the UK government is trying to protect and promote British interests, but they are also trying to provide consular services and my view is that the business and trade focus overrides. If it won't cause offence they'll help but if it will offend they won't. At one debate in Parliament last May following President Trump's abandonment of the Iran Nuclear Deal, the former Foreign Secretary Boris Johnson said five times that he would protect British commercial interests, not once did he say he would protect British citizens.

"The FCO is doing its job, but Parliament needs to set that job. We need a different body in charge of consular protections to the one responsible for British trade and interests. We need a framework and a way of challenging, such a key missing element creates all the tensions we have."

### **Roger Parrish, his daughter Joanna died in France**

Joanna was murdered in France in May 1990 whilst doing work experience for her degree at Leeds University. A serial killer has now been charged with Joanna's murder (and for another young girl's murder) and the case is due to go to Court next year. The perpetrator is already in jail for murdering other young girls but has only recently been

charged for Joanna's murder some 29 years later. Roger feels it is very important that this man is brought to trial for Joanna's murder.

"As painful as it was to hear that there were marks on Joanna's wrists where she had been tied up and strangulation marks on her neck, I needed to be sure of the facts. I was hearing it in English, in a British Court and I believed that what I was hearing was the truth about what had happened to Joanna. You can handle the facts, it's the unknown which is most painful.

"I found the local UK police extremely helpful, despite the fact they were very limited in what they could do without an invitation from France. A Chief Superintendent travelled to France with us on two or three occasions. He helped us a lot.

"I received quite technical letters about DNA the French authorities were holding in respect of Joanna but understanding what they meant was hard, so I got involved with the local UK police and they were hugely helpful."

### **Ryan Curry, his sister died in Spain**

"I have many misgivings about the assistance available from the FCO and UK/Scottish governments as a whole. One of these that I have found myself questioning and in my opinion is totally unacceptable and unexplainable is the dilemma the Homicide Unit claim to face when someone is killed abroad in a country where the local police have not classified the death as a homicide or have changed the classification from homicide to accident without a trial or proper investigation.

"This has been a major issue for us as although Kirsty's case is still very high profile we have never been contacted by the Homicide Unit or FCO about how they would come to a decision on who gets assistance and who doesn't. Who decides? We feel as a family we have been left in a state of limbo because this decision can affect how much help, assistance and support (including insurance) we as a family (the living victims) are entitled to.

"Do Police Scotland get presented with the full facts? Is there someone from the UK that would review the case on the victim's behalf? Surely these decisions cannot be left to a foreign jurisdiction to decide.

"There have been cases where other countries have taken over the case when it involved their citizens being killed abroad and have actually made convictions. Why can't the UK do this?

"If the suspects or perpetrators are also from the UK this should effectively make the process simpler but it actually seems to cloud it even more."

### **Sara and Martin Cotton, their son Luke died in Thailand**

"As far as the FCO is concerned, you have to ring them and you get a different person each time. You have to explain your story every time. You are grieving for your loved one and you have to explain how they died again and again. There's no continuity at all within the FCO. You should be dealing with the same person all the way. There are lots of things that need to change. We won't get justice for our children, but we don't

want other families to go through what we went through, we want them to get better service than we did.”

### **Sara Neighbour, her brother Martin died in India**

“We had a real issue with lack of support and activity on behalf of the Goan police force and we eventually left, advised to leave the country for our own safety. In the two and a half years since all this happened I have not received any information from the Goan police. They had refused to hand over any statements etc until they had received the results of the toxicology tests on my brother (I repatriated his body and had toxicology tests done immediately in the UK). I had on numerous occasions asked the FCO to chase this up for me – in 16 months I have heard from them five times and have just found out from them [July 2018] that my brother’s forensics had never even been tested. They were sent to the lab but returned immediately as the contract had ceased and had since then been sitting on the shelf in the police station – a totally unacceptable situation and delaying tactic as far as I am concerned.

“The impact of this experience has been enormous on me. Tragically my mother also died, two weeks after my brother, and I truly believe it was the shock of my brother’s death that killed her.

“I have changed as a person. I did not sleep properly for at least two years and became very withdrawn. I am now more aware of any situation I am in. I think about what happened all the time, I know I will probably never find out the truth as to what happened to my brother. My aim now is to try and make people aware of what is happening in Goa and hope people do not have to go through the same truly horrific experience that I did.”

### **Sherrin Kennedy, her son Jonathan died in Holland**

“I found out Jonathan was dead before we were told officially – the news came up on Ceefax [before the Internet] and a friend saw it.

“I can’t be the only person this has happened to, this lack of communication with the FCO. I joined DAYNA, we need to fight this ridiculous lack of support.”

### **Tina Cook, her mother Violet Price died in France**

“Hearing your Mother has been brutally murdered abroad is such a traumatic shock, you don’t take anything on board. We were swept along by the series of legal events, we felt we would have to move to France for the period before and during the trial.

“I got a list of advocates , but all it said was whether they could speak English, not their specialty. I had to pick, I randomly chose one and was told you chose a good one well done. The advocate said he thought there would be a protocol in place for cases like this so families knew what to expect. I spoke to one lady at the British Embassy who was helpful when she could, but I had a feeling we were outside the boundaries where they could help.

“We were begging for help but just left to get on with it. We didn’t have funding and were told we could not get legal aid in France because the case was so big. We got token compensation that was put in place to help with medical/psychiatrist fees, but this was in fact mostly used for legal fees. I have discovered 4 years later that I was

entitled to legal aid in France, which is apparently paid unconditionally in the case of murder in France so that any compensation awarded is not used for legal fees. I am currently trying to find out and if I can claim this back, but again there is not a named person or organisation that I can approach directly in France to help me as I do not speak French, so it will be very difficult.

“It is not just the traumatic loss of losing someone in such horrific circumstances but the impact that follows, ill health due to the shock, you can’t work due to ill health and you slowly lose everything, we were left to struggle.

“My recommendations to help any other unfortunate family would be help with legal matters, advice on how to handle the media, help to find medical/psychiatric assistance, Victim Support in the relevant country, translation of documents and help with housing /debt before matters spiral out of control.”

### **Trudy Cowan, her husband Russell died in Italy**

“I heard from a friend who was with Russell, that he had had an accident, I contacted the FCO who confirmed he was pronounced dead on 05.06.2016 but at this point I got no details from them. I flew out the following day and hoped I would receive support from the FCO, but I had no contact or support from them. This time is a little blurred. It was like swimming in treacle in the dark without having swam before; I was expected to make the most difficult decisions and at the time when I was least able to do so, I just couldn’t think. I was held in the police station for six hours answering questions around financial viability before getting to see Russell. I just wanted to see him, to get him back. I received no advice from the FCO in relation to expectations of the police”

“Insurance was through the bank account. The private banking manager was the only person, who was part of an organisation who felt a moral obligation to help me get him home. No one told me about repatriation. I got random help from random individuals, who I had to search out. I felt I should have had face-to-face contact with someone who understood the processes. The FCO support could have been better in many ways. I felt like a nuisance, I would like to have been empathized with and advocacy offered on my families behalf.

“This is not a story, not fictional.... it is our life.”

### **William Boland, his wife died in Cuba.**

Mr and Mrs Boland had the necessary travel insurance but the cause of death on Mrs Boland’s death certificate did not match the cause of death provided via the Cuban Embassy.

Mr Boland said: “I want the proper cause of death on my wife’s death certificate and the foreign office has been no help whatsoever.

“I have tried for more than a year to get help from the FCO and the travel company to have my late wife’s death certificate amended to reflect her actual cause of death but so far no progress has been made.

“The FCO directed me to the Cuban Embassy and the Cuban Embassy directed me back again to the FCO. Thomas Cook has said I need a lawyer in Cuba, which they



were looking into, but now they've gone into administration I have been told the case is closed. I find this unacceptable and I think the FCO needs to do more."

**Thanks also go to the third party organisations that gave their time and shared their concerns and suggestions with the APPG.**

## Glossary

<u>Access to Justice Unit</u>	<u>AJU</u>
<u>Airline Operators Association</u>	<u>AOA</u>
<u>Airline Operators Committee</u>	<u>AOC</u>
<u>All Party Political Group</u>	<u>APPG</u>
<u>Association of British Insurers</u>	<u>ABI</u>
<u>Association of British Travel Agents</u>	<u>ABTA</u>
<u>Association of Personal Injury Lawyers</u>	<u>APIL</u>
<u>Association of Scheduled Airlines operating within the UK</u>	<u>BAR UK</u>
<u>British Rights Abroad Group</u>	<u>BRAG</u>
<u>Consumer Safety International</u>	<u>CSI</u>
<u>Criminal Injuries Compensation Authority</u>	<u>CICA</u>
<u>Data Protection Act</u>	<u>DPA</u>
<u>Death Certification Review Service</u>	<u>DCRS</u>
<u>Deaths Abroad You're Not Alone</u>	<u>DAYNA</u>
<u>European Health Insurance Card</u>	<u>EHIC</u>
<u>European Crime Prevention Network</u>	<u>ECPN</u>
<u>Fatal Accident Inquiry</u>	<u>FAI</u>
<u>Family Liaison Officer</u>	<u>FLO</u>
<u>Foreign and Commonwealth Office</u>	<u>FCO</u>
<u>Holiday Travel Watch</u>	<u>HTW</u>
<u>International Air Transport Association</u>	<u>IATA</u>
<u>Independent Press Standards Organisation</u>	<u>IPSO</u>
<u>Lucie Blackman Trust</u>	<u>LBT</u>
<u>Ministry of Justice</u>	<u>MoJ</u>
<u>Memorandum of Understanding</u>	<u>MoU</u>
<u>Murder Manslaughter Unit/Team</u>	<u>MMU/MMT</u>
<u>Murdered Abroad</u>	<u>MA</u>
<u>National Institute for Health and Care Excellence</u>	<u>NICE</u>
<u>The National Police Chiefs Council</u>	<u>NPCC</u>
<u>Pan European Organisation of Personal Injury Lawyers</u>	<u>PEOPIL</u>
<u>Pearson-Maxwell Protocol</u>	<u>the Protocol</u>
<u>Prisoners Abroad</u>	<u>PA</u>
<u>Scottish Fatalities Investigation Unit</u>	<u>SFIU</u>
<u>Scottish Victims Code</u>	<u>SVC</u>
<u>Senior Investigating Officers</u>	<u>SIOs</u>
<u>Victim Support Asia</u>	<u>VSA</u>
<u>Victim Support Europe</u>	<u>VSE</u>
<u>Victim Support Homicide Service (England and Wales)</u>	<u>VSHS</u>
<u>Victim Support Scotland</u>	<u>VSS</u>
<u>Victims of Terrorism Unit</u>	<u>VTU</u>
<u>Written Parliamentary Questions</u>	<u>WPQ</u>



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