

PE1521/K

Public Petitions Clerks
Room T3.40
The Scottish Parliament
Edinburgh
EH99 1SP

17 December 2014

Dear Mr Sharratt

Consideration of PE1521

Many thanks for your letter of 13 November requesting the Commission's views on the sale and availability of the *Sun* and *Scottish Sun* in the Scottish Parliament, while they contain the Page 3 feature.

Freedom of expression is a fundamental right under the Universal Declaration of Human Rights, the European Convention on Human Rights (ECHR) and the Human Rights Act 1998. The threshold for interference with a person's freedom of expression is set quite high. While freedom of expression a qualified right, it may be restricted only in limited circumstances. In general this extends to protecting people's ability to say things or publish things which others may find offensive.

Limitations include certain criminal provisions, including the offence of incitement to racial or religious hatred, which concerns speech that is "threatening or abusive", and is intended to or likely in all the circumstances to stir up racial hatred.

Freedom of expression covers the expression of ideas that others may find obnoxious, disturbing or offensive. In turn, it is open to opponents of such ideas to contest, debate, condemn or ridicule them. Comments or imagery that might cause offence or be distasteful are nevertheless outside of the scope of the Commission's remit to monitor and enforce the legislation we are responsible for.

The Commission recognises that offensive speech or imagery can harm good relations between groups, reinforce some individuals' sense of being socially marginalised - or under attack - or validate certain prejudices. This does not take place in a vacuum; it is often part of a wider pattern of inequality and discrimination. However, the legal framework to which the Commission works does not allow for speech or imagery to be censored or criminally sanctioned merely because it is offensive.

I hope this information is of use to the Committee. If I can be of any further assistance, please do not hesitate to get in touch.

Yours sincerely

Alastair Pringle
National Director, Scotland