

Dear Scottish Law Commission, I am writing on behalf of Global Witness to comment on the draft Bill. Whilst welcoming that you have recommended substantive reform I urge that you look harder at some outstanding areas of concern in order to ensure that the Defamation law in Scotland is at least as strong as the Defamation Act 2013.

However, as the draft stands:

- The public interest defence is weaker than in the Defamation Act 2013. The public interest defence is new to Scots law, so it's good news to see its introduction, but it must be robust.
- Corporations would still have the right to sue. Defamation law was designed to protect the rights of individuals: corporate bodies do not have a private life, personal identity or psychological integrity. Corporations also have other means to defend themselves, such as malicious falsehood and laws governing advertising, competition and business practices - they do not need protection under defamation law.

Kind regards,
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