Public Petitions Committee
Thursday 19 November 2026
6th Meeting, 2026 (Session 7)

PE2259: Create a criminal offence for targeted online character assassination and unnamed slander campaigns

Introduction

Petitioner	Katrina Murray
Petition Summary	Calling on the Scottish Parliament to urge the Scottish Government to reform Scots criminal law by creating a statutory criminal offence for targeted online slander and character assassination. It is my understanding that the Police routinely label digital smear campaigns as "civil matters." However, civil court litigation in the Sheriff Court or Court of Session can present insurmountable financial barriers for ordinary citizens, and civil legal aid is unavailable. Scots law must criminalise this based on intent and harm.
Website	https://petitions.parliament.scot/petitions/PE2259

1. This is a new petition that was published on 16 September 2026.

2. A full summary of this petition and its aims can be found at **Annexe A**.

3. Every petition collects signatures while it remains under consideration. At the time of writing, 41 signatures have been received on this petition.

4. A SPICe briefing has been prepared to inform the Committee's consideration of the petition and can be found at **Annexe B**.

5. The Committee seeks views from the Scottish Government on all new petitions before they are formally considered.

6. The Committee has received submissions from the Scottish Government and the Petitioner which are set out in **Annexe C** of this paper.

Action

7. The Committee is invited to consider what action it wishes to take.

Clerks to the Committee
November 2026

Annexe A: Summary of petition

PE2259: Create a criminal offence for targeted online character assassination and unnamed slander campaigns

Petitioner:

Katrina Murray

Date published:

16 September 2026

Petition summary:

Calling on the Scottish Parliament to urge the Scottish Government to reform Scots criminal law by creating a statutory criminal offence for targeted online slander and character assassination. It is my understanding that the Police routinely label digital smear campaigns as "civil matters." However, civil court litigation in the Sheriff Court or Court of Session can present insurmountable financial barriers for ordinary citizens, and civil legal aid is unavailable. Scots law must criminalise this based on intent and harm.

Background information:

Under current Scots law, victims of targeted online character assassination face a severe statutory gap. Law enforcement routinely deems provisions like Section 38 of the Criminal Justice and Licensing (Scotland) Act 2010 (the offence of threatening or abusive behaviour) inapplicable unless explicit physical threats or legal names are used.

Perpetrators exploit this threshold by using subtext, proxy references, and contextual hints. In close-knit Scottish communities, these "unnamed" campaigns spread rapidly. While police may take no action due to the lack of a named victim, local residents often instantly identify the target. This may result in social ostracization, job loss, business collapse, and mental trauma—yet perpetrators operate with impunity. Classifying digital smear campaigns as "civil matters" creates an unequal system of justice, as civil court litigation is unviable for ordinary citizens and legal aid is unavailable. Scots law must criminalise targeted digital abuse based on intent and severe real-world harm.

Annexe B: SPICe Briefing

Scottish Parliament Information Centre
Ionad Fiosrachaidh Pàrlamaid na h-Alba

Briefing for the Public Petitions Committee on petition PE2259: Create a criminal offence for targeted online character assassination and unnamed slander campaigns, lodged by Katrina Murray

Brief overview of issues raised by the petition

- The petitioner is calling for online character abuse to become a criminal offence. She argues that police do not currently intervene because they see this as a civil justice issue. She is particularly concerned about activities which do not name the victim but are still able to cause harm by using indirect means to make it clear who is being targeted.

- The term defamation in Scots law covers both the English law concepts of libel (written) and slander (spoken). The legal remedy for attacks on character of the type described by the Petitioner would usually be defamation action. This is a civil justice matter, meaning it would be up to the person affected to raise, and pay for, their own legal action. Civil Legal Aid is not usually available for defamation actions.

- Defamation occurs where a false statement is made about a person to a third party which causes – or is likely to cause – serious harm to that person's reputation. A statement will be defamatory where it "causes harm to the person's reputation (that is, if it tends to lower the person's reputation in the estimation of ordinary persons)"[1]. There are various defences to a defamation action, including that the statement is true.

- There are a range of existing criminal offences which may also be relevant to the situation the Petitioner describes. She highlights section 38 of the Criminal Justice and Licensing (Scotland) Act 2010. This targets threatening or abusive behaviour (including communicating things). The offence is committed where:

    - a person behaves in a threatening or abusive manner;

    - the behaviour would cause a reasonable person to suffer fear or alarm; and

- the person intends their behaviour to cause fear or alarm, or is reckless about whether it would do so.

[1] Section 1(4) of the Defamation and Malicious Publication (Scotland) Act 2021.

- Section 127 of the Communications Act 2003 creates three offences covering improper use of an electronic communications network. They are:
    - sending (or causing to be sent) a message which is grossly offensive or of an indecent, obscene or menacing character;
    - sending (or causing to be sent) a message which is known to be false, for the purpose of causing annoyance, inconvenience or needless anxiety to someone else; and
    - persistently making use of a public electronic communications network, for the purpose of causing annoyance, inconvenience or needless anxiety to someone else.
- There are other potentially relevant interventions. The Protection from Harassment Act 1997 allows courts to issue non-harassment orders in both civil and criminal law contexts. The Online Safety Act 2023 places a duty of care on search engines and online platforms hosting user-generated content.
- There can be significant challenges to collecting evidence relating to online offences. People can easily hide their identity online. They may also use services in other countries. This can make it difficult to investigate and prosecute perpetrators.

Key Organisations

- Scottish Government
- Police Scotland
- Crown Office and Procurator Fiscal Service
- Law Society of Scotland/Scottish Solicitors Bar Association (representing criminal defence solicitors).

Abigail Bremner
Senior Researcher
14 October 2026

The purpose of this briefing is to provide a brief overview of issues raised by the petition. SPICe research specialists are not able to discuss the content of petition briefings with petitioners or other members of the public. However, if you have any comments on any petition briefing you can email us at spice@parliament.scot

Every effort is made to ensure that the information contained in petition briefings is correct at the time of publication. Readers should be aware however that these briefings are not necessarily updated or otherwise amended to reflect subsequent changes.

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Annexe C: Written Submissions

PE2259/A: Create a criminal offence for targeted online character assassination and unnamed slander campaigns

Scottish Government written submission, 12 October 2026

Does the Scottish Government consider the specific ask[s] of the petition to be practical or achievable? If not, please explain why.

While it would be possible to create a specific offence of slandering a person with the intent to cause them harm, careful consideration would be required as to whether it would add significantly to the protections provided by the existing law.

Section 38 of the Criminal Justice and Licensing (Scotland) Act 2010 ("the 2010 Act") provides for an offence of 'threatening or abusive behaviour. This offence is committed where a person engages in behaviour that is threatening or abusive and would be likely to cause a reasonable person to suffer fear or alarm (providing the accused either intends their behaviour to have this effect, or else is reckless as to whether their behaviour would be likely to have this effect.)

In addition to the offence of threatening or abusive behaviour, there are other offences that may be relevant. The offence of stalking at section 39 of the 2010 Act makes it an offence for a person to engage in a course of conduct (consisting of behaviour on at least two occasions) where that behaviour causes the victim to suffer fear or alarm and the accused either intends the victim to suffer fear or alarm or else where they perpetrator knows or ought in all the circumstances to know that engaging in the course of conduct would be likely to cause the victim to suffer fear or alarm. Examples of "conduct" are listed at section 39(6) and include "publishing any statement or other material relating, or purporting to relate to B (the victim) or to any other person".

There is also an offence at section 127 of the Communications Act 2003 of 'Improper use of public electronic communications network'. Section 127(2) makes it an offence for a person to send a message that they know to be false by means of a public electronic communications network for the purpose of causing annoyance, inconvenience or needless anxiety to another person.

As such, it appears that where someone posts slanderous or libellous material about a person with the intent of causing them harm, it is likely that one or more of the four offences listed above would be committed. In practice, the difficulty that the police and COPFS may encounter in investigating and prosecuting such behaviour in individual cases may be proving to a criminal evidential standard that the message is slanderous/libellous, that it relates to alleged victim and that the accused person sent the message. It is unclear whether a specific offence would necessarily obviate any of these difficulties.

What, if any, action is the Scottish Government currently taking to address the issues raised by this petition, and is any further action being considered that will achieve the ask[s] of this petition?

No specific action is planned in this area at this time. However, the Scottish Government keeps the criminal law under review to ensure that it remains effective.

Criminal Justice Division

PE2259/B: Create a criminal offence for targeted online character assassination and unnamed slander campaigns

Petitioner written submission, 9 November 2026

Introduction

I want to explain what happened to me, why I believe the current law failed to protect me, and why I am asking the Committee to consider a new, clearly defined offence.

What happened to me

My former partner was sentenced to five years in prison for firearms offences. This followed my report to Police Scotland that a family member had disclosed shooting a handgun, after which officers recovered firearms and ammunition from his address.

Around the time of his sentencing, I became the target of a sustained campaign of abuse by his family and friends. Three of his friends in particular targeted me, I believe to make the community angry and aggressive towards me, and publicly claimed that I had “set him up”. The abuse took place on public Facebook pages, including local news pages with thousands of followers, and across social media. People who did not know me, or the facts of the case, joined in.

The comments included:

- Threats framed as warnings, such as “snitches will get stitches”.
- Posts revealing where I was and what I was doing, which told others where to find me.
- Posts that insulted me in sexualised terms and wished harm on me, without naming me directly.

Several different posts were made on this subject. Some were on private pages, so I could not see them myself, but someone kindly sent me screenshots.

An independent report recorded that his friends had been abusing me online, and that they openly admitted this to the reporter. They said they had not named me, but it was clear they meant me. That is exactly why “unnamed” campaigns need to be covered by the law.

The harm it caused

The harm was real and continuing. One of his friends posted my location and movements, and I was publicly labelled a “grass” in a community where that label can put a person at risk.

The online posts also escalated into abuse in person. I was verbally abused in a local shop, and one of my ex-partner’s friends was charged under Section 38 of the Criminal Justice and Licensing (Scotland) Act 2010 (threatening or abusive behaviour). The posts were inciting people in the community to be angry at me.

I lost one of my jobs at the time, and I had to move house because of the harassment. I could not leave Dumfries and Galloway. I had to rebuild our lives in the same region as the people targeting me.

Why the existing law did not help

I reported the online abuse to the police. I was told that nothing could be prosecuted, and no one was charged for the posts.

I am not a lawyer, but I understand that defamation is largely a civil matter in Scotland. A victim must pay for solicitors and bring a case herself, against people who may have no money and may be hard to identify. For an ordinary person, that is not a realistic route to protection.

I also understand that other criminal laws exist, including those on threatening or abusive behaviour, harassment and malicious communications. Yet none led to a prosecution for the online posts. It appears that individual posts fell short of the threshold, or that responsibility was spread across too many people to pursue. That is the gap I want the Committee to examine.

A group campaign can be devastating even when no single comment crosses the line. Posts that are individually “just words” can, taken together, amount to a coordinated attempt to destroy someone’s reputation and expose her to harm. The law looks at the single post. It does not look at the pile-on.

Why a new offence is needed

I believe a new offence should recognise the following features of what happened to me:

1. Targeting. The campaign was aimed at one identifiable person.

2. Falsehood. It spread untrue claims designed to damage my reputation.

3. Incitement. It encouraged others to hate, threaten or harm me, including by identifying where I was.

4. Impact. It caused fear, distress and a real risk to safety.

I also believe this should have been treated as a course of conduct. There were many separate posts over time, yet nothing was ever done.

There is also a fundamental unfairness here. I was blamed for his conviction, and I believe I should have been protected as a witness. Someone who has done nothing wrong, and who has assisted the justice system, can be punished by a crowd. If people see that this carries no consequences, others will be less willing to come forward as witnesses or speak to the police. That harms everyone.

I recognise that any new offence must protect freedom of expression. Honest criticism, fair comment and truthful reporting must stay lawful. A well-drafted offence can focus on deliberate, targeted, harmful campaigns and leave legitimate speech alone.

What I ask of the Committee

I respectfully ask the Committee to:

- Seek the views of Police Scotland and the Crown Office and Procurator Fiscal Service on why coordinated online abuse of this kind is so hard to prosecute under current law.
- Ask the Scottish Government whether there is a gap in the law, and whether it would consider a specific offence covering targeted, sustained campaigns of false and harmful communications.
- Ask social media platforms what they do when abuse like this is reported, and how quickly they remove it.
- Consider what protection is available to witnesses who are targeted online after assisting the police.
- Hear from victim support and domestic abuse organisations about how common this experience is, particularly for women targeted after reporting crimes or giving evidence.

Conclusion

I did the right thing, and I was punished for it in public, by a crowd, with those responsible for the posts facing no consequences. I do not want anyone else to go through this. A clear, carefully drafted offence would give police and prosecutors the tools they currently lack, and would give victims a real route to protection.