

# Democratic rights under attack in Scotland

Steve James  
6 February 2014

An unprecedented police and legal clampdown is underway in Scotland. Primarily directed against young people, an escalation of stop and search measures has been unearthed by a recent report from Edinburgh University. According to the Scottish Centre for Crime and Justice Research, the rate with which particularly youth are stopped in working class areas of Scotland is far in excess of comparable figures for London and New York.

The report concentrated on what are called “consensual” searches—carried out by police *without* any “reasonable suspicion” that any crime is being, or about to be, committed.

The terms “consensual” or “voluntary” are entirely misleading. While police are under no obligation to explain their reasons for stopping someone, refusal to allow a “non-statutory” search will frequently lead police to insist on a “statutory” search, for which they are obliged to record a reason. Police are also not required to explain that their “voluntary” search can be refused. Figures are likely to be underestimates since “voluntary” searches tend to be under-reported by the police themselves.

According to the report, in 2010 for example, across Scotland some 445,063 stops were carried out on a population of just over 5 million. Of these, 74 percent were “voluntary.” By 2013, this figure had increased to 537,434 stops in the nine months, which would mean an annual figure of nearly 700,000 stops. By comparison, New York City, with a population of over 8.3 million, recorded only 532,911 searches in 2012.

There are sharp regional variations within Scotland, but the trend is upwards everywhere. Most pronounced is the extraordinary escalation in the former Strathclyde region. Strathclyde was abolished as a local government region in 1996, but its police authority continued until all Scotland's regional forces were merged into Police Scotland in 2013.

The area includes the large urban conurbation around the city of Glasgow, as well as the former industrial areas of Lanarkshire and Ayrshire. Many of these areas are deeply impoverished and have never recovered from the closure of entire industries decades ago. Similar, but less sharp escalation in police stops can be seen across the industrial central belt of the country.

Stops in Strathclyde have increased rapidly since 2005, when less than 100,000 stops were carried out. In 2010, the figure was close to 372,926. Last year Strathclyde's total rocketed to 612,200.

The extent to which youth are targeted is extreme. The report records that in 2010 37,233 stops were made against a total of 26,476 16-year-olds living in Strathclyde. This means that many young people are experiencing continual harassment from the police. The same year, over 500 children under 10 years of age were searched. Searches are presented as a campaign against knife crime and youth gangs. But a graph in the report reveals a massive spike in searches against young people even though conviction rates are flat across all age groups.

The police campaign against young people comes alongside a sharp increase in internet surveillance.

Figures released by *Scotland on Sunday* this week revealed that in one month alone Police Scotland made 954 applications to phone and internet service providers for metadata relating to personal communications. Another 64 applications were made to social media sites, assumed to mean Facebook and Twitter. Over the last four years, some 25,000 applications have been made under the terms of the Regulation of Investigatory Powers (Scotland) Act 2000.

These figures do not include any requests made by English police forces or the British intelligence services such as MI5, nor do they include any individuals targeted via the universal data theft operation run by the US NSA and Britain's GCHQ and exposed by Edward

Snowden.

Both the police dragnet and internet surveillance were initiated when the Labour Party controlled the Scottish administration, and have been escalated by the currently ruling Scottish National Party (SNP). Labour continues to run Glasgow City Council.

The SNP has launched an attack on a fundamental principle of Scottish law—corroboration, where at least two supporting pieces of evidence, for example two eyewitness reports, are required for a conviction. Despite being an integral part of the United Kingdom since 1707, the Scottish legal system has always retained its own peculiarities, one of which is corroboration. According to the legal and human rights organisation JUSTICE, corroboration “has always been the fundamental safeguard in Scots law against wrongful conviction.”

Following a 2011 review by Judge Lord Carloway, now the Lord Justice Clerk, Scotland’s second highest legal position, the SNP brought forward a bill in 2013 to abolish corroboration. JUSTICE Scotland responded to the initial Carloway review by warning that the organisation was “utterly dismayed at the proposal to abolish corroboration whilst at the same time offer no alternative safeguards—indeed the thrust of this aspect of the Report is against the introduction of new safeguards.”

The review and SNP bill have been attacked across the legal profession, even by leading judges. Writing earlier this year, former Solicitor General Lord McCluskey warned that the police “are not saints” and “anyone with daily experience of our courts will have encountered cases in which the police have fabricated evidence.”

The attack on corroboration has been presented in the media, by the police and the Scottish government almost entirely as a defence of rape victims, where supporting evidence is notoriously difficult to find. But McCluskey noted in response to this, “If corroboration now goes, it becomes a simple case of believing one person’s evidence against another.”

For the moment, Justice Secretary Kenny MacAskill has conceded that ditching corroboration can be delayed, so long as the rest of his Criminal Justice (Scotland) Bill is passed. He remains committed to it however, as is Police Scotland.

The police clampdown on young people, data

snooping, and moves to abolish corroboration express moves by the state apparatus to enforce unprecedented levels of austerity on behalf of the financial elite. This is backed by all the major parties, regardless of their position on the independence debate.



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