



**FSU**  
FREE SPEECH UNION

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Communications Commission  
Ground Floor  
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Mount Havelock  
Douglas  
ISLE OF MAN  
IM1 2SF

7<sup>th</sup> June 2020

By email to: [cc@iomcc.im](mailto:cc@iomcc.im)

Dear Sirs,

I write on behalf of the Free Speech Union, which has been established to safeguard free speech in the United Kingdom (in which, for our campaigning purposes, we include the Isle of Man). I'm writing about the fact that you are investigating one of our members: the Manx Radio presenter Mr Stuart Peters. The investigation concerns statements made by Mr Peters on the *Late Show* in a conversation with a caller into the programme, Mr Jordan Maguire.

It is unclear which, if any, of the things said by Mr Peters during this conversation you consider merit any investigation. All of the things said by Mr Peters were well within any imaginable acceptable bounds. Accordingly, I am concerned that in investigating Mr Peters you are breaching his and the broadcaster's right to freedom of expression under Article 10 of the European Convention on Human Rights which you are required to uphold under the Human Rights Act 2001.

Moreover, I note that the Commission's "Programme Code" states at 1.8(i) as follows:

**1.8(i) Ethnic Minorities**

No programme should be transmitted which is intended to stir up racial hatred or, taking into account the circumstances, is likely to do so: where appropriate, schedules should give a fair reflection of the contribution of all races to society.

Racist terms should be avoided. Insensitive comments or stereotyped portrayal may cause offence. Their inclusion is acceptable only where it can be justified within the context of the programme.

Careful account should be taken of the possible effect upon the racial minority concerned, as well as the population as a whole, and of changes in public attitudes to what is, and is not, acceptable.

I cannot see how any of the things said by Mr Peters could on any view be construed as likely to stir up racial hatred, or involved racist terms or insensitive comments, or would otherwise breach the Code.

In the conversation between Mr Peters and Mr Maguire, Mr Peters contested the assertion that he has benefited from “white privilege”. This apparently caused such consternation to Mr Maguire that he ended the call soon afterwards. This comment by Mr Peters cannot conceivably justify any investigation by the Commission. Surely, in challenging the idea that all white people are, by virtue of the colour of their skin, “privileged” and cannot fully grasp the problem of racism, Mr Peters was upholding the principle that “racist terms” and “insensitive comments”, as well as “stereotypical portrayals” that might “cause offence”, are unacceptable. Whether you agree with Mr Peters’ views or not, it is clear that he was exercising his right to freedom of expression under Article 10.

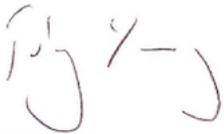
Starting an investigation in these circumstances is likely to have a chilling effect on speech and thus encroaches on the right to freedom of expression. The death of Mr George Floyd in the United States raises important issues about the criminal justice system and whether all races are treated equally in the eyes of the law, on both sides of the Atlantic, and these issues should be discussed in the public square. If we are to fully explore this issue and rectify any possible injustices, it is essential that all parties are free to discuss the matter without fear of censure. We cannot hope to get to the bottom of the issue if some people in this discussion feel they cannot express their views for fear of being publicly shamed or jeopardising their livelihoods.

That is what makes the approach of the Commission in this case so extraordinary and potentially damaging. In light of that, and the obvious rights obtaining to Mr Peters and the broadcaster under Article 10, I would be grateful if as soon as possible you could:

- explain to me why you initiated an investigation given the nature of what Mr Peters said; and
- confirm to me that (i) the investigation will be terminated forthwith and Mr Peters exonerated, and (ii) in the future no such investigation will be started in similar circumstances.

I am grateful for your attention to this matter.

Yours sincerely,



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