

JUSTICE COMMITTEE

HATE CRIME AND PUBLIC ORDER (SCOTLAND) BILL

SUBMISSION FROM ELIZABETH CRINGLES

I am writing to comment on Part 2 of this Bill. It relates to the proposed new offence of stirring up hatred.

There is a real danger, in my view, of criminalising something very unfairly - if the offence is unwittingly committed by someone and was not a deliberate act. If I innocently make a remark which someone else deems offensive, by their own definition, how can I be blamed, if I did not know I was doing it?

We all have different views, and sometimes change them over time, and I do not expect others to always agree. But in a free society, as long as I do not intend to stir up hatred, I want to feel that I can air a personal opinion.

It is important in a civilised society that we are all learning continually how to live better together, to understand each other, and listen to each others views, without fear of dire consequences for saying something which might offend but which is not intended to hurt or offend.

Rabble rousing is dangerous and frightening, but is different from genuine thorough debate - if this section in the Bill is allowed to remain, freedom of speech itself is threatened and people will not feel safe enough to express themselves.

As I understand it, the present criminal law covers abusive behaviour likely to cause fear or alarm - perhaps the police need additional training in how to implement this in the context of free speech and maintaining law and order. But it also seems to me that this section of the Bill could lead to the police being inundated with people claiming that they have been harmed by someone 'stirring up hatred' when it is defined so very widely.

'Abusive' opinions can be defined in many ways, depending on the 'side' you are on - it cannot be right to enact a law so vague and conducive to misunderstanding and conflict

I note that the contested issues relate not just to race, but also to religion, sexual orientation or gender identity, which can be debated in a way that race cannot. I already feel inhibited in talking about sexual orientation or gender identity, for example, because they seem such hot topics, but to turn discussion into an offence is very frightening indeed.

I am worried to see that the police are now grant-aiding Stonewall, and have paid large sums to have some police cars decorated with the LGTBQ logo of the rainbow and police uniforms decorated with this logo.. Whether or not I support this organisation, I am starting to feel that the much valued independence of the police has been compromised in this way. If I am now afraid of opening my mouth and saying something tactless or unintentionally offensive, I rely on the independence of the police to enforce the law, but not to arrest me for 'stirring up hatred', unless my behaviour is deliberate and causes real harm as a result.

This section of the Bill is the thin end of the wedge, and threatens us all.

Elizabeth Cringles
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