

JUSTICE COMMITTEE

HATE CRIME AND PUBLIC ORDER (SCOTLAND) BILL

SUBMISSION FROM PETER HINSHELWOOD

Sirs

Thank you for the opportunity to provide feedback on your proposed bill, and my objection to it.

Principally item 6

"6. Do you have views on the merits of Part 2 of the Bill and the plans to introduce a new offence of stirring up of hatred? "

My objection to this proposed bill is based on the following:

1. The terms of the bill are subjective and open to abuse.
2. Our liberty of freedom of speech and thought which we presently enjoy will be removed.
3. It may be possible under your proposal to commit and offence unknowingly.
4. The proposal does not include the protection regarding free speech recommended by Lord Bracadale in his review of 2018.
5. A free society allows open and reasoned debate without violence - our present laws allow for such and there is no need to introduce further and more restrictive legislation.
6. Would sermons given in say either a mosque or church where there are fundamentally opposite views regarding the person of Jesus , the former believing that he is merely a man and prophet, whilst christians would hold that he is the only son of god and therefore God, be used as stirring up hatred against each other? What about church services where Jesus Christ is quoted as " I am the Way, the Truth, the Life, no man comes to the Father except by me" - this is excludes a majority of the main stream religions such as Islam, Judaism etc., could this be construed as stirring up hatred.
7. Why are the terms of the bill so subjective, hatred offences should cover threatening conduct, the proposed term of 'abusive behaviour' is far more subjective and open to the vagaries of interpretation.
8. Will a copy of the Bible, Koran, Mein Kampf, Das Kapital etc be deemed offensive ??
9. The freedom of speech clause proposed for religious beliefs & opinions regarding sexual orientation, gender identity etc needs to be strengthened such that those views can be openly debated, & challenged without fear of committing an offence.
10. This bill allows risk of politically motivated complainants to use this bill to silence their opponents

The risk of passing such an important bill without due consideration and debate, particularly when the nation is concerned with dealing with the current health & economic crisis is extremely worrying.

For this above reasons and in the interest of a free and open society where freedom of thought and speech are not subject to potential criminal prosecution, then this proposed bill should be withdrawn.

Peter Hinshelwood
19 July 2020