

JUSTICE COMMITTEE

HATE CRIME AND PUBLIC ORDER (SCOTLAND) BILL

SUBMISSION FROM LISA ANDERSON

Sir/Madam

I would like to express my concern. Creating new offences relating to 'stirring up hatred' will unnecessarily threaten freedom of expression and conscience. Existing legislation already protects everyone in Scotland from threatening and abusive behaviour where such behaviour would be likely to cause "fear or alarm". Well-established anti-discrimination laws protect individuals with protected characteristics from discrimination sending the clear signal that such discrimination is unacceptable.

Criminalising "abusive" in addition to "threatening" behaviour poses a serious risk to freedom of expression by promoting the idea that there should be a right not to be offended.

Removing the necessity of proving intent in 'stirring up' offences may result in people being prosecuted for a hate crime they did not intend to commit simply for expressing an opinion someone found 'hateful'.

The protection of freedom of expression sections in the Bill are much weaker than the more robust equivalent in England and Wales. Free speech provisions in the proposed Bill only protect people from being convicted "solely on the basis" that behaviour or material "involves or includes discussion or criticism of religion or religious practices". Complainants will be likely to argue that speech they dislike is "abusive" and "likely" to stir up hatred, and that it does not "solely" involve criticism or discussion of religion.

Please do not allow this Bill.

Yours, Lisa Anderson BSc(Hons)

Lisa Anderson
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