

JUSTICE COMMITTEE

HATE CRIME AND PUBLIC ORDER (SCOTLAND) BILL

SUBMISSION FROM SHIRLEY FRASER

Dear Sirs,

I wish to comment on this Bill, especially on q.6 re the introduction of a new offence of “stirring up hatred”.

Given the loose way in which the English language can be and is being used, I find the term “stir up” ominous. Some expressions of hatred, especially when heinous crimes have been committed are proper in our society, but this proposal is taking the law into an entirely new and dangerous path, as the key issue is the definition of “stir up”. It will not distinguish between inadvertent offence-giving to a person or group, and deliberate fomenting of upset and disorder, resulting in a response of “hatred”. The motive behind speech which has reportedly offended has to be examined.

I am concerned that this proposed section of the Bill will curb every citizen’s right to freedom of speech in all spheres of communication (social, religious, political) It would deter legitimate debate.

I would therefore urge a thorough re-examination of this proposed section, leading to the withdrawal of the new “offence” of stirring up hatred. I am informed that existing criminal law already covers threatening or abusive behaviour likely to cause fear or alarm, which means that no new law is required.

Yours faithfully,

Shirley A. Fraser
20 July 2020