

JUSTICE COMMITTEE

HATE CRIME AND PUBLIC ORDER (SCOTLAND) BILL

SUBMISSION FROM MRS DESIREE A CRYLE

Dear Sirs,

I am writing to you in response to your request for views on the above draft Bill, and I would like to submit the following points:

On Question 6 regarding the merits of part 2 and the new offence of stirring up hatred - an offence is obviously committed where there is a deliberate intent to stir up hatred against the nominated groups. However it is dangerous to say that hatred is 'likely' to be stirred up. 'Likelihood' is purely subjective and cannot reasonably be proven. This opens the door for anyone who disagrees with someone else's opinion or views to claim that hatred is 'likely' to be stirred up. The effect of this is to quash and endanger vigorous reasoned debate and free speech on issues of morality, ethics, religious theology etc. Free speech and the freedom to disagree is a fundamental backbone of democracy, and who is to say what is 'likely' to happen - there is not a probability test that can be applied here. The worst excess of this is to silence anyone who disagrees with a certain view. For the legislation to have clarity, transparency, and consistency free speech must be safeguarded.

On Question 7 I agree with Lord Bracadale's recommendation that the word 'insulting' be removed, making threatening or abusive behaviour an offence. Again 'insulting' is far too subjective and impossible to define - what 'insults' some people is anyone else daring to disagree with them! It is far too vague, broad, and subjective and will open the doors to people claiming offences under the Act have been committed because they are insulted by points of view that do not completely agree with their own. The Scottish Courts will be full of people who feel insulted. Common sense and reason need to prevail.

Thank you for the opportunity to submit my views.

Yours Sincerely,

Mrs Desiree A Cryle
20 July 2020