

JUSTICE COMMITTEE

HATE CRIME AND PUBLIC ORDER (SCOTLAND) BILL

SUBMISSION FROM M B KOBYLARSKA

I believe that Scottish law already covers threatening or abusive behaviours. Indeed, this type of behaviour should never be tolerated and if serious enough should be punishable.

The proposed Hate Crime and Public Order (Scotland) Bill, if it came into law, would pose a serious threat to free speech.

In 2017 Lord Bracadale was asked by the Scottish Government to conduct a review of hate crime in Scotland. This independent report stressed the need for a clear distinction between legitimate debate and rabble rousing. However, the resulting Hate Crime and Public Order (Scotland) Bill, as drafted, is a major extension to the present law on hate crime. It would especially encroach on matters of religion, morality and ethics where discussion can be rigorous. Debates on religion etc., sometimes without being threatening or hate-filled, under this new law if it is passed, even non-religious people such as atheists or agnostics would not be allowed to explain or mention their beliefs.

The free speech clause on religion must be stronger. It must be able to protect not only free discussion on criticism but must let people be free to actually challenge beliefs. Likewise, the free speech clause on sexual orientation must be strengthened so that beliefs about same sex marriage can be explicitly aired and a more robust debate protected.

It would have to be made clear in the new law that someone is quite deliberately stirring up hatred. Accusations should not be made otherwise. Police Scotland do not wish to be burdened with calls which will have to be investigated but which turn out to be nothing of consequence. Free speech clauses are important for this reason otherwise even ministers of religion could be prosecuted for their sermons and bible teaching.

M B Kobylarska
22 July 2020