

JUSTICE COMMITTEE

HATE CRIME AND PUBLIC ORDER (SCOTLAND) BILL

SUBMISSION FROM ISH LENNOX

Dear Sirs,

Please find below my comments objecting to the proposed hate crime legislation.

General

The proposed hate crime legislation is a dangerous threat to free speech, which would have unintended consequences and If it becomes law it could have implications for many areas of life including a serious threat to religious liberty and free speech. This bill opens up vast swathes of speech and behaviour, currently allowed under law, to potential prosecution on the basis of vague and ill-defined principles. If it passes, words or behaviour considered to be “threatening or abusive” and “likely” to stir up hatred would constitute an offence.

There are some glaring issues with this proposed legislation as it stands. We cannot legislate people to become better people we must engage and educate them in order to do so. Freedom of expression "must include the ability for citizens to discuss, criticise, and refute ideas, beliefs and practices in robust terms" and there is "no right not to be offended".

- The term 'hatred' is subjective and difficult to define, especially when it relates to hatred being 'stirred up' in other people;
- People can commit an offence without either intending to stir up hatred or doing so, if a court feels their actions were merely 'likely' to stir up hatred;
- The term 'abusive' is vague and open to interpretation;
- There is no defence in the bill for words spoken in the privacy of your own home;
- A provision in the bill designed to protect free speech is too weak.

How to prosecute hate crime & other forms of crime not included in the bill:

I am particularly concerned that we are setting ourselves up for a mismatch in legislation between Scotland and UK law. A hate crime that happens in cyberspace hosted by someone living in England about someone or some group in Scotland would be difficult to prosecute. I feel there should be equal parity. The most important thing is proof. This proposed Scottish bill does not put enough weight towards proof.

I am particularly concerned with regard to the discussion around transgenderism Free speech clauses are included in relation to sexual orientation and religion, which will provide some protection for legitimate debate, but there are no such clauses surrounding transgenderism. This raises the possibility that politically-motivated

complainants might use the change to the criminal law to shut down critics of radical gender ideology.

Stirring up offences:

In Scottish culture it is all too easy to take offence already. it is not difficult to see how the broad language of the Bill might be used to suppress free speech. Intent to stir up hatred is not required for an offence to be committed, meaning people may become criminals simply because they didn't realise how their honestly expressed views might be interpreted. I believe the language under legislation described as 'stirring up hatred' will have a stifling effect on debate.

Ish Lennox
21 July 2020