

**JUSTICE COMMITTEE**

**HATE CRIME AND PUBLIC ORDER (SCOTLAND) BILL**

**SUBMISSION FROM MRS P LINDSAY**

Please find below my comments on the Hate Crime and Public Order (Scotland) Bill

**1. Do you think there is a need for this Bill and, if so, why? Are there alternatives to this legislation that would be effective, such as non-legislative measures, wider reforms to police or criminal justice procedures? Are there other provisions you would have liked to have seen in the Bill or other improvements that should have been made to the law on hate crime?**

I believe this bill is ill-conceived and unnecessary. Section 38 of the Criminal Justice and Licensing (Scotland) Act 2010 already outlaws threatening or abusive behaviour against anyone where such behaviour would be likely to “cause a reasonable person to suffer fear or alarm”.

I am most concerned that hate becomes subjective and a statement of fact such as sex matters would be treated as a hate crime. This would mean if a women mis-gendered a man who now identifies as a women, there is no necessity of proving intent, rather you can simply express an opinion that someone finds hateful. This has implications for women and will criminalise them for simply saying that sex matters.

I think this potential law undermines free speech and plays into the hands of extremists creating a hierarchy of victims, that women will be firmly at the bottom of the heap

**5. Do you think that sectarianism should have been specifically addressed in this Bill and defined in hate crime legislation? For example, should a statutory aggravation relating to sectarianism or a standalone offence have been created and added?**

Given that you have schools in Scotland separated by religion, this will not make the situation any better. Remove the religious status of schools first, discuss similarities and differences encourage reconciliation and shared values. Allow children to grow up unfettered by their parents hatred, criminalise their parents and hatred will not decrease.

**6. Do you have views on the merits of Part 2 of the Bill and the plans to introduce a new offence of stirring up of hatred?**

I am very concern about this suggestion. Comparable laws outlawing ‘stirring up of religious hatred’ in England and Wales only criminalise “threatening” behaviour. But under this Bill, “abusive” (i.e. offensive and insulting) behaviour would also be criminalised. This poses a serious risk to freedom of expression by promoting the idea that there should be a right not to be offended.

It means that in contentious issues such as the debate on whether existing women's rights be upheld, the actual debate could be defined as stirring up. I am aware that Miller vs College of Policing, showed the injustice that can prevail when it law comes down to a feeling. The judgment indicated that those who disagree are said to show hatred, but that in reality they simply hold another view.

**7. Do you have any views on the Scottish Government's plans to retain the threshold of 'threatening, abusive or insulting' behaviour in relation to the stirring up of racial hatred, contrary to Lord Bracadale's views that 'insulting' should be removed?**

The threshold for demonstrating insulting will be very low. Is it insulting that grooming gangs were allowed to continue unchecked because of fears of racism? Would this still happen now? That the facts of a case could be considered insulting or abusive rather than truthful. The law should not allow criminalisation due to difficult facts

**8. Do you have any comments on what should be covered by the 'protection of freedom of expression' provision in the Bill?**

The law should protect individuals for being targeted for harassment or abuse such as JK Rowling, who dared to say sex matters.

**10. What is your view on the plans for the abolition of the offence of blasphemy?**

About time

Kind Regards

Mrs P Lindsay  
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