

JUSTICE COMMITTEE

HATE CRIME AND PUBLIC ORDER (SCOTLAND) BILL

SUBMISSION FROM LESLEY MITCHELL

With regard to the proposed Scottish Hate Crime Bill I, as a Scottish citizen, wish to register the following concerns:

Stirring up offences Q 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?

Section 38 of the Criminal Justice and Licensing (Scotland) Act 2010 already allows for prosecution against threatening and abusive behaviour offences.

The new “stirring up hatred” offences exclude the key legal safeguards already provided for in English and Welsh parallel legislation.

“Intent to stir up hatred is not required for an offence to be committed” – does this mean an individual may be criminalised simply because they didn’t realise how their honestly expressed views might be interpreted (or deliberately misinterpreted) by others?

The proposed addition of “abusive behaviour likely to stir up hatred” is ambiguous and therefore open to abuse by individuals who may want to exploit the law in order to persecute any person or organisation who disagrees with them.

Other issues Q 8. Do you have any comments on what should be covered by the ‘protection of freedom of expression’ provision in the Bill?

11 – Protection of freedom of expression: religion

This section applies for the purposes of sections 3(2) and 5(2).

(2) Behaviour or material is not to be taken to be threatening or abusive **solely on the basis that it involves or includes—**

(a) discussion or criticism of—

(i) religion, whether religions generally or a particular religion,

(ii) religious beliefs or practices,

(b) proselytising, or

(c) urging of persons to cease practising their religions.

Does this mean (in practice) that a person can verbally discuss/criticise religion and religious beliefs or practices, can proselytise or even urge others to desist from practising their religion without fear of prosecution? Does it also mean that a person can possess literature that covers those things without fear of prosecution? If that is the case, then **what else** must be taken into account to invalidate religious protection of freedom of expression?

I fail to see how this proposed bill protects the right of Scottish people to exercise free speech either in a place of worship or at a public gathering or in one's own home.

Yours sincerely,

Mrs. L. Mitchell.

Lesley Mitchell
22 July 2020