

JUSTICE COMMITTEE

HATE CRIME AND PUBLIC ORDER (SCOTLAND) BILL

SUBMISSION FROM: N J Bastone

1. In general, The Bill is well thought-out and is for the most part directed towards the noble aims of modernising our laws to match the reality of our society. This bill helps to patch up some of the holes in our present legal framework.

2. Consolidation is of great importance and we should aim to reform all laws in this way over time so that our legal system is, as far as is practicable under a mixed-law system, easy to understand by as many members of the public as possible. This law is a good example of clear, largely exception-free law-making and will be of great help in aiding members of the public when trying to determine what actions fall foul of the law.

3. Sex hostility as a part of the Bill is a much better way to handle misogynistic or misandrist behaviour than separate bills. We should not legislate differently for those who identify as women or as men or indeed any other category. To do so would be to support the outdated binary view of sex, gender and sexuality that we know now to not be accurate, complete or a fair way of describing individuals. For this reason there should be no separate bill, but instead measures should be built into this bill to deal with offences that would previously have been labelled misogynistic or misandrist. This is a much fairer way forward that does not artificially divide people with a binary concept or stereotype.

4. Age hostility is similarly of great merit for inclusion in this bill and it is right to include it. Having one legal basis for hate crime will be beneficial to victims by reducing the maze of exceptions and special cases that current legislation provides.

5. For similar reasons as the above, it would be sensible to introduce sectarianism as a part of this bill.

6. Stirring up hatred should, in general, be an offence under all these categories. However, it is good to see that the bill states that simple possession of

7. It is important to retain 'insulting' as a part of the race hatred section of the bill. This is and has, as the bill summary states, been a continuing factor in division of our society and it is important that we promote tolerance and understanding by not allowing insults to escape the net of aggravating hate-behaviour.

8. Freedom of expression is an important factor in our society and, where it is not connected with accompanying criminal action, should not in and of itself be an offence.

9. The section on racially aggravated harassment should only be repealed if it can effectively be combined into this or another bill covering similar offences.

10. Whilst blasphemy may still play a part in our religious traditions, in a modern, multicultural society there is unlikely to be an agreed definition of what blasphemy is, and the idea of punishing it with legal sanctions seems therefore impossible or impractical. Therefore, the repeal is well past due and should go ahead.