

JUSTICE COMMITTEE

HATE CRIME AND PUBLIC ORDER (SCOTLAND) BILL

SUBMISSION FROM HELEN STEWART

Dear Sir/Madam,

Regarding question 6: Do you have views on the merits of Part 2 of the Bills and the plans to introduce a new offence of stirring up hatred?

Surely religious beliefs and views on morality are matters on which people can have robust debate and change their minds. A free society must protect this. The new stirring up of hatred offences could be unwittingly committed by someone who did not intend to stir up hatred or even realise that their words could be considered abusive.

A stirring up of hatred crime could be committed in a private conversation in your own home. Any new stirring up of hatred offences should only cover threatening conduct. Abusive behaviour is far more subjective.

The mere threat of prosecution for stirring up hatred may cause many to keep quiet. This is a more subtle but equally dangerous threat to freedom and undermines a free society.

There is a real risk that politically motivated complainants will label disagreement as hatred to try to silence their opponents. Police Scotland has said that free speech clauses are important to prevent it being inundated with vexatious reports.

Lord Bracadale's Independent Review on Hate Crime report, which led to the Scottish Government's Bill, stressed the need for a clear distinction between legitimate debate and rabble rousing. The Bill does not come close to reflecting this.

Existing criminal law already covers threatening or abusive behaviour likely to cause fear or alarm. No new law is needed.

Yours faithfully
Mrs H Stewart

Helen Stewart
9 July 2020