

JUSTICE COMMITTEE

HATE CRIME AND PUBLIC ORDER (SCOTLAND) BILL

SUBMISSION FROM TIM BARKER

I am seeking to respond to the above proposed legislation.

My main concern is over the protection of the right to Freedom of Speech. This proposed legislation would severely limit the Freedom of Speech, and unlike similar laws in England and Wales this proposal does not seek to protect Freedom of Speech. May I stress from the outset that I would oppose any form of speech which seeks to stir up hatred and is abusive, but I believe that this proposal goes too far in failing to protect what I regard as an essential part of any democracy - Freedom of Speech.

My concerns are as follows:

1. Beliefs whether religious, political, moral are issues on which people have opposing views and there is often heated debate. However, it is in those settings that people learn different points of view which may affect their ultimate decision. A free society must protect this.
2. Current laws provide protection for threatening and abusive behaviour and therefore a new law is not required.
3. In a church service, where people are free to decide whether to attend or not, and if they do attend then they are accepting that what is said will be based on The Holy Bible. However, it is not beyond the possibility that another organisation may place a person in church knowing that something from the Bible will be said which opposes their individual views, and they can insist that what they have heard is, for them, threatening, abusive or stirring up hatred. The person sharing the Bible truth is NOT stating anything threatening etc. but simply stating what the Bible - the Christian's Holy Book - is saying. Are they going to be arrested. What applies to church must also apply to any meeting, including political, where views are expressed that are offensive, and stirring up hatred? We must seek to protect the Freedom of Speech.
4. People hold different views on a range of issues - this proposal would result in people being unwilling or even worse unable to express those views for fear of arrest.
5. People are not always aware that what they are saying is causing distress to someone else. However legislation is not the way to deal with this, and this proposal simply seems designed to stop people from expressing any opinion. We cannot allow any government to take over responsibility for our thoughts, as well as actions and words.
6. The Free Speech clause must be must stronger and the England/Wales wording might be a place to start that process of amendment?

7. The author of the Independent Review on Hate Crime, Lord Bracadale, stressed the need for a clear distinction between legitimate debate and 'rabble rousing'. This proposal fails to take this into account and must reflect his recommendation.

Kind regards

Tim Barker
09 July 2020