

JUSTICE COMMITTEE

HATE CRIME AND PUBLIC ORDER (SCOTLAND) BILL

SUBMISSION FROM ROBERT DUNCAN

Dear Sir /Madam,

I should like to make a response to the Hate Crime Bill call for views.

I particularly want to respond to question 6.

I think there is a vagueness about what can be interpreted as intention to stir up hatred. Someone could be expressing strongly held views without any accompanying threatening behaviour but could unintentionally cause offence and be accused of intent to stir up hatred when none was intended. It is very hard to know if someone is deliberately intending to stir up hatred. If their behaviour is threatening it may be more obvious but in a free expression of a person's viewpoints in conversation or discussion it is very difficult to measure intention to stir up hatred. There is a likelihood that free speech will be the casualty. People will shut up rather than speak up on what they believe for fear of being accused of a hate crime. Most of the population do not want to cause offence and certainly not to insult or threaten others. However, those who express different opinions from what is "accepted" today, for example JK Rowling's recent comments about transgender issues, come under a barrage of abuse and accusations themselves. This must have been very intimidating for her and causes a climate of fear – keep your mouth shut! Free speech must be protected so that discussion and criticism where needed can continue, without fear or reprisals.

There must be a free speech clause covering transgender identity. It is completely wrong to have a situation where there is not freedom to disagree. Those who believe that someone born a man is not a woman must have protection to be able to say so without committing a hate crime.

There must be free speech regarding religion. For example Christians and Moslems hold very different views on the person of Jesus Christ. We must have a society where it is possible to express these different views freely without fear of accusations of committing a hate crime. Similarly we must be free to proselytise and to challenge religious beliefs. Christian preachers must be free to preach from the Bible that Jesus is the only way to the Father without being prosecuted for stirring up hatred. Finally it is very likely that those with agendas to promote will use the threat of prosecution for hatred to silence those who disagree with them.

Without proper protection for free speech the Hate Crime bill is likely to cause great harm to our society.

Yours sincerely,

Robert Duncan
09 July 2020