

JUSTICE COMMITTEE

HATE CRIME AND PUBLIC ORDER (SCOTLAND) BILL

SUBMISSION FROM THE HINDU FORUM OF BRITAIN (SCOTLAND CHAPTER)

About us :-

The Hindu Forum of Britain (HFB) is the largest umbrella body for Hindus in UK with more than 320 member organisations including Hindu temples, charities, cultural organisations. HFB has significant presence in Scotland with almost all Hindu temples, our members. HFB facilitates consultation and communication to support and influence public policy by providing broad and collective views of the Hindu community on a wide range of issues.

Our Submission Summary:-

We feel it is important to focus on the manifestations of hate crime on persons from an ethnic minority, especially Hindus. We are particularly keen that there is a definite focus on the numbers of hate crimes against Hindus, as they appear to be lower, due to their being under-reported.

We are also concerned that Scottish Government statistics for hate crime consistently report low figures for hate crimes against Hindus; if these figures are correctly reflected taking into account the size of each faith community in Scotland, it will be clear that Hindu Hatred is substantially higher per head of population. Yet there is no special category to report Hindu Hate crime.

A further issue that is pushing down the numbers of hate crimes against Hindus and thereby lowering the priority for protecting our community against real hate crimes, is that these crimes committed against us, are frequently assumed to have been committed against people from a different faith. This is because there is a great lack of awareness and understanding about the Hindu culture, what our faith is and our values, at all levels in Scotland. We have the unfortunate experience of multiple occasions where Government and council departments have not recognised Hindus and have mistaken us to belong to other faiths.

We appreciate and welcome the Scottish Government's aim to modernise the existing Hate crime legislation; the current proposed changes to the bill is well intended to protect the victim of unnecessary and damaging prejudice. The Scotland Chapter of the Hindu Forum of Britain supports the rationalisation of statutory aggravators and does believe these are a proportionate way to tackle hate crime in society. We also support the repeal of Blasphemy law.

However there are lot of grey areas, especially in the use of terms in the proposed bill which are vague and subjective. We want to highlight concerns about provisions in this draft of the bill which the Scottish Government should consider clarifying, before implementing the bill, and below are certain observations:

- Our primary concern in this regard, centres around the creation of new and wholly unnecessary 'stirring up' of hatred offences, which threaten freedom of

expression and conscience. The proposed law also refers to culpability when organisations 'stir up hatred', defining organisations in the widest possible terms. Could the law be used to prosecute a political party, activism or a movement? Could it be used to bring a newspaper editor or proprietor to court?

- Removing "abusive" because it could be easily misinterpreted. There is no such word threshold applicable in the comparable law in England. Why would it be necessary to include this term in Scotland?
- Any hate crime law changes should not curtail the right to freedom of expression, particularly the right to critique and satirise religion. *On comparing the proposed changes to the Scottish Hate Crime Bill, the current draft of the bill protects less freedom of speech than the equivalent legislation in England and Wales.*
- Religion is a personal choice made of our own free will, which allows people leave or join religions. It is therefore wrong to consider it at par with race or disability, which is unchangeable.

Conclusion: -

We welcome some of the changes in the hate crime bill, however there is a reasonable likelihood that this legislation, unless more clearly defined, could criminalise one side in an ongoing public discussion about the law. The bill should protect freedom of expression; everything in a democracy should be open for debate and discussion, no matter how controversial it is. The Scotland Chapter of the Hindu Forum of Britain believe this bill as it stands, will undermine open debate and unfairly restrict freedom of expression.

Hindu Forum of Britain (Scotland Chapter)
23 July 2020