

JUSTICE COMMITTEE

HATE CRIME AND PUBLIC ORDER (SCOTLAND) BILL

SUBMISSION FROM PEOPLE FIRST (SCOTLAND)

People First (Scotland) works for the human rights of people who have the labels of Learning Disability or Intellectual Impairment. People First (Scotland) is a disabled people's organisation (DPO) and is controlled by its members who all have a Learning Disability. Our National Hate Crime Group brings together People First members from different areas in Scotland and focuses specifically on discussing and raising awareness around issues of Learning Disability Hate Crime.

General

1. Do you think there is a need for this Bill and, if so, why?

Yes, definitely. It is good to have a strong law to keep us protected from hate crime.

Consolidation

2. The Bill brings together the majority of existing hate crime laws into one piece of legislation. Do you believe there is merit in the consolidation of existing hate crime laws and should all such laws be covered?

There is definite value in bringing together existing hate crime laws into one piece of legislation. Having everything in one place makes it easier to find, refer to and use.

How to prosecute hate crime?

3. Do you think that the statutory aggravation model should be the main means for prosecuting hate crimes in Scotland? Should it be used in all circumstances or are there protected characteristics that should be approached differently and why? For example, the merits of a statutory aggravation for sex hostility rather than a standalone offence for misogynistic harassment?

We think that the statutory aggravation model should be the main means for prosecuting hate crimes in Scotland. We strongly feel that hate crime law is needed for the protection of us who experience the threat of hate crime day to day. It makes us feel safer knowing we can call on the law to protect us.

In addition to sex being a protected characteristic, we agree with the development of a standalone offence for misogynistic harassment. We respect lived experience and we feel that women's organisations are in the best place to work in co-production with Scottish Government to develop this.

We should be developing and using the Equally Safe strategy to raise awareness of gender-based violence and discrimination against all women, including women with learning disabilities.

4. Do you think that a new statutory aggravation on age hostility should be added to Scottish hate crime legislation? Would any alternative means be measured effective? For example, would there have been merit in introducing a statutory aggravation (outwith hate crime legislation) for the exploitation of the vulnerability of the victim?

If an aggravation existed for the exploitation of the vulnerability of the victim, we are worried that someone could claim they committed a crime against a disabled person only because of 'vulnerability', if this aggravation carried a lesser sentence than if it was recognised as a hate crime. We therefore do not object to this aggravation being created but it should never be used as an alternative to addressing hate crime claims.

Other forms of crime not included in the Bill

5. Do you think that sectarianism should have been specifically addressed in this Bill and defined in hate crime legislation? For example, should a statutory aggravation relating to sectarianism or a standalone offence have been created and added?

Sectarianism is wrong and there should be a law that the Police can use to address it, not just within football but in day to day life as well. We think it is important that sectarianism is dealt with through hate crime law.

We understand that sectarianism can be addressed through the race and religion protected characteristics and we hope that this is implemented when people are being prosecuted for such crimes.

Stirring up offences

6. Do you have views on the merits of Part 2 of the Bill and the plans to introduce a new offence of stirring up of hatred?

We agree that Stirring up Hatred offences should be introduced equally for all the protected characteristics.

7. Do you have any views on the Scottish Government's plans to retain the threshold of 'threatening, abusive or insulting' behaviour in relation to the stirring up of racial hatred, contrary to Lord Bracadale's views that 'insulting' should be removed?

We are ok with 'insulting' being included.

Other issues

8. Do you have any comments on what should be covered by the 'protection of freedom of expression' provision in the Bill?

We think there should be room allowed for healthy debate but if the behaviour escalates to threatening and abusive or if it leads to stirring up hatred, then it is not ok.

9. Do you agree with the Scottish Government that Section 50A of the Criminal Law (Consolidation) (Scotland) Act 1995 about racially aggravated harassment should not be repealed?

Overall, we believe that treatment of all protected characteristics should be equal.

In this case, in addition to race being a protected characteristic, we are ok with keeping the standalone offence for racially aggravated harassment if this makes a big difference for people. We respect lived experience and we feel that BAME people and organisations are in the best place to judge what would be most useful in this case.

10. What is your view on the plans for the abolition of the offence of blasphemy?

We are ok with the abolition of the offence of blasphemy since it has not been useful for so long.

One more point:

→ An Easy Read summary of the Act should be produced and shared with people with learning disability and their organisations. People First (Scotland) would be in a good position to provide feedback on the easy read draft to help produce an easy read document of high standard.

People First (Scotland)
4 June 2020