

JUSTICE COMMITTEE

HATE CRIME AND PUBLIC ORDER (SCOTLAND) BILL

SUBMISSION FROM WEST DUNBARTONSHIRE COUNCIL

West Dunbartonshire Council, and Community Planning West Dunbartonshire, welcomes the opportunity to provide a response to the justice committee call for evidence as it scrutinises the Hate Crime & Public Order (Scotland) Bill. We welcome this move to update existing hate crime legislation in Scotland, consolidating and extending what is already in place.

We feel it is appropriate to review and extend the measures currently available to address hate crime through legislation, reflecting 21<sup>st</sup> century society in Scotland and the aspirations of the Equality Act. The Bill ensures that legislation is able to respond to and address offenses related to both hate crime and public order as they are being experienced in society today.

Consolidation of existing hate crime laws into one piece of legislation is a helpful update. Not only does it provide a level of clarity not currently in place but also ensures that the revised and simplified legislation is accessible to all those who may have need for it.

If the definition of hate crime coined by Lord Bracadale is to be used, where recognition is given to the prejudice and hatred which motivates the crime, then it is appropriate that the statutory aggravation model be used as the means for prosecuting hate crime in Scotland. This would reflect the prejudice which provides motivation for the crime.

It is appropriate that the revised legislation includes age hostility, aligning this legislation to the aspirations of an inclusive and equal society, and ensuring no protected groups are excluded from the protection of this legislation.

As the proposed legislation includes religion, including perceived affiliation in the case of social and cultural groups, we do not believe it is necessary to specifically address sectarianism in the Bill.

We welcome the plans to introduce a new offence of stirring up of hatred in Part 2 of the Bill. Again this reflects the aspirations of a 21<sup>st</sup> century Scotland to be an inclusive and equal society. This new offence provides a clear message to both victims and perpetrators that activity clearly motivated by prejudice is not welcome on our society.

Provision in the Bill for the 'protection of freedom of expression' must be suitably clear as to ensure that all citizens are free to share personal opinion and explore both personal beliefs and contradictory views in order to expand understanding whilst also ensuring that prejudice motivated activity resulting in an offense can still be recognised and addressed through the power of this legislation.

While we are supportive of the consolidation and clarity provided by the updates in the Bill, we understand the Scottish Government position regarding Section 50A of the Criminal Law (Consolidation) (Scotland) Act 1995 on racially aggravated harassment. However we do not feel that we are in a position to offer an opinion on the repeal or otherwise of this specific section of legislation.

Finally, we are supportive of the proposal to remove the offence of blasphemy in this update of the existing legislation. Given the significant number of years since this offence was last prosecuted it would seem appropriate to use this opportunity to align Scotland with many neighbouring Countries which have already abolished blasphemy as an offence.

West Dunbartonshire Council  
24 July 2020