

JUSTICE COMMITTEE

HATE CRIME AND PUBLIC ORDER (SCOTLAND) BILL

SUBMISSION FROM ABERDEEN CITY COUNCIL

**Introduction:**

The Bill is a response to the recommendations made in Lord Bracadale's independent review **of hate crime laws**.

The Bill was created to make sure that the groups covered by the Bill are protected from hate crimes and that the laws that provide protection are fit for the 21st century.

**The** Bill aims to do three things. to updates all existing laws, to pull most of these laws into one Bill and add to the groups currently specifically protected by hate crime laws.

**Response to Consultation:**

1- **General-** Need for the Bill and improvements to legislation.

We welcome the new Bill.

The review and update of the legislation would allow a clearer definition of hate crime and well-defined procedures for dealing with it. This will increase awareness of hate crime allowing more confidence that it will be taken seriously by prosecutors and courts. It will also encourage reporting of offences and ensures support to victims

2- **Consolidation:** The main aim of the legislations is to bring together the vast majority of existing hate crime laws into one piece of legislation:

We welcome the merging of the different legislations.

This consolidation will provide greater clarity, greater transparency and improved consistency within hate crime legislation in Scotland.

3- **New protected characteristics-**

People are currently protected by specific laws on the basis of:

- disability
- race (and related characteristics)
- religion
- sexual orientation
- transgender identity

This Bill adds age to that list and provides a power for the Scottish Ministers to make regulations adding the characteristic of sex to it.

We welcome this change as it aligns this piece of legislation with the Equality Act 2020

- 4- **Stirring up offences** : Part Two of the proposed legislation introduces a new offence of stirring up of hatred. Under the Bill, the law would not require this intent to be present.

There may be concerns that this presents a risk to the right balance between respecting freedom of speech and tackling hate speech. It is therefore advised that definitions and language are strengthened to ensure that an appropriate balance is maintained to protect those in society who are most vulnerable to prejudice while preserving the right to comment or debate on matters hence maintaining a thriving democracy and society, where pluralism and freedom of expression are protected.

- 5- **The abolition of the offence of blasphemy** -The Bill also abolishes the offence of blasphemy which has not been prosecuted in Scotland for more than 175 years.

This welcomed change makes this legislation fit for 21st century Scotland.

- 6- **Definitions** -The Bill updates the definition of transgender identity and includes removing the term 'intersexuality' and creating a separate category for variations in sex characteristics.

This revised terminology, we believe, is important to show that the language of the law is evolving to reflect society.

Aberdeen City Council  
4 August 2020