

**JUSTICE COMMITTEE**

**HATE CRIME AND PUBLIC ORDER (SCOTLAND) BILL**

**SUBMISSION FROM DR W.G.CUNNINGHAM**

I feel that this new law is not required as current law covers threatening and abusive behaviour.

I have the following criticisms of clause 6 in particular.

Many people have strong and deeply held views on religion and morality and a free and diverse society must accept, allow, and indeed encourage open and free, vigorous debate at every level. The Bill as drafted would cause such debate and discussion would be seriously inhibited by the mere threat of prosecution.

Such discussions and the criticism involved may have the unintended effect of stirring up hatred in others and may be considered abusive when that is not intended at all. Abusive behaviour is too subjective a term. Any offence must deliberate and intended.

Police Scotland have said that free speech clauses are important to avoid vexatious complaints resulting increasing their workload.

Such clauses must explicitly cover beliefs about same sex marriage which some believe and should be free to say that it is a contradiction in terms and similarly re transgender identity where one should be free to express the view that a woman cannot be a man and vice versa and be free to use only a persons birth name and pronoun.

(Dr) W.G.Cunningham

Dr W.G.Cunningham  
11 July 2020