

JUSTICE COMMITTEE

HATE CRIME AND PUBLIC ORDER (SCOTLAND) BILL

SUBMISSION FROM LYN JOHNSTONE

Here are my views on the merits of Part 2 of the Bill and the plans to introduce a new offence of stirring up hatred.

Q1 : As the genuinely criminal behaviour of 'threatening and abusive behaviour' can already be prosecuted under section 38 of the Criminal Justice and Licensing (Scotland) Act 2010, I don't understand why there's a need for a new offence to be introduced?

Q6 :

a) The Bill doesn't give the protection to free speech that Lord Bracadale appears to be recommending in his Independent Review on Hate Crime.

b) Any new stirring up hatred offences should only cover conduct which is 'threatening'. It's of great concern to me that the Bill covers 'abusive' behaviour which, of course, is more subjective.

c) Police Scotland have also voiced concerns, saying that free speech clauses are important to ensure that they are not going to be bogged down with irksome reports. This would take their time away from other important work.

d) Just the threat of prosecution for so called stirring up of hatred is a threat to the freedom of speech and it undermines society and toleration of differences.

e) I agree with the open letter written recently by 150 leading authors, academics and thinkers rejecting the new culture of censorship in our land. People should be free to disagree with one another. Our norms of open debate and toleration of differences is being rejected in favour of ideological conformity.

Lyn Johnstone
12 July 2020