

JUSTICE COMMITTEE

HATE CRIME AND PUBLIC ORDER (SCOTLAND) BILL

SUBMISSION FROM GORDON AGNEW

I applaud the (belated) 'abolition' of the Blasphemy Law, and the broad intention of the Bill to protect minority groups. I have reservations over a couple of parts of the Bill.

The aggravation of offences by prejudice, malice or ill-will towards a group of people is a laudable aim. Defining these aggravating factors is surely a minefield. Any restrictions on freedom to express disagreement, or even ridicule, towards a religious belief surely conflict with the Universal Declaration of Human Rights,

The proposed new offences of stirring-up hatred criminalize behaving in a threatening **or** abusive manner, or communicating threatening or abusive material to another person. (I understand consideration is being given to amendments changing 'or' to 'and'. I would strongly welcome such a change). Restricting perceived abusive speech is a dangerous restriction on free expression (where it is a belief that is being abused or ridiculed, and not the believer). 'Religion and belief' differs from other protected characteristics in that people volunteer their (continued) membership of the group. The taking of offence is a state of mind of the person 'offended', not a quality of the view expressed. While views expressed may trigger offence, the root cause is surely somewhere within the person 'offended'.

Any offence of 'stirring up hatred' must surely be limited to speech or actions **intended** to do so. Is 'hate' in itself an offense in itself, anyway? I am no lawyer, but aren't laws forbidding 'incitement' or 'stirring-up' usually concerned with encouraging illegal acts. I may 'hate' an individual or a group, but is it an offence if I keep it to myself and don't discriminate illegally?

I began by applauding the repeal of the Blasphemy Act. However, the Bill, if enacted in its current form, could lead to a new Blasphemy Act by the back door. I have a suspicion that those seeking to maintain religious privilege in our society, might see this as an opportunity to restrict rigorous, critical debate and comment about religious beliefs. There are many few terms in the Bill, open to interpretation, and legal challenge. This could result in divisive cases involving competing characteristics, similar to the early days of the Equality Act.

Thank you for the opportunity to contribute,

Gordon Agnew
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