

**JUSTICE COMMITTEE**

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

**SUBMISSION FROM WILLIAM SMITH**

Sir/Madam

Whilst I share the aspiration of building a more equal and inclusive Scotland, I believe the bill as it stands is excessive and represents an unacceptable erosion of personal freedom of expression.

Section 38 of the Criminal Justice and Licensing (Scotland) Act 2010 already outlaws threatening or abusive behaviour against anyone where such behaviour would be likely to “cause a reasonable person to suffer fear or alarm”.

Comparable laws outlawing ‘stirring up of religious hatred’ in England and Wales only criminalise “threatening” behaviour. But under this Bill, “abusive” (i.e. offensive and insulting) behaviour would also be criminalised. This poses a serious risk to freedom of expression by promoting the idea that there should be a right not to be offended.

Where someone is abusive about someone else’s beliefs, the believer can quite reasonably argue that they are abusing them personally too. Some religious people are so committed to their beliefs that nothing more than a robust assertion that their beliefs are false will be taken as abusive. Therefore, if we wish to apply criminal sanctions to protect people from feeling “abused” when someone criticises or attacks their beliefs, it is obvious that the beliefs themselves, as well as the individual who feels insulted or abused, are being protected. People should be protected by law, but beliefs should not.

Removing “abusive” is necessary to protect free speech in Scotland and would be in alignment with the reasonable threshold applied in English law.

Yours

William Smith  
14 July 2020