

**JUSTICE COMMITTEE**

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

**SUBMISSION FROM ANDREW FRASER**

Dear Sirs,

Hate Crime and Public Order (Scotland) Bill

I'd like to make the following submissions for the consideration of the Committee in respect of Question 6 Part 2 of the Bill.

The robust exchange of views is necessary for a healthy society. People hold their views strongly and nobody should be muzzled from expressing their views however offensive others might deem them but they should do so courteously. As the proverb says, "One man's meat is another man's poison".

It is difficult to know what people's intentions are so stirring up of hatred offences should only cover content that is intended deliberately to stir up hatred not just likely to stir up hatred.

Religious beliefs and views on morality are things about which people hold strong views and can change their minds through talking about them. There must be full scope to do this in a free society.

Any stirring up of hatred offences should only cover actual threatening behaviour not abusive behaviour as there are different tolerances with different people and someone could feel that abuse was involved where none was intended.

The free speech clause on sexual orientation must be strengthened so that beliefs about same-sex marriage are explicitly covered and more robust debate is also protected.

Any stirring up of hatred offences covering transgender identity must explicitly protect freedom to use a person's birth name and pronoun and to say that someone born a woman cannot be a man and vice versa.

There is a serious risk that politically-motivated complainants will label disagreement as hatred to try to silence their opponents. Police Scotland has said that free speech clauses are important to prevent it being inundated with vexatious reports

Free speech clauses on religion must be stronger to protect more than mere discussion or criticism. People should be free to challenge religious belief.

Lord Bracadale's Independent Review on Hate Crime report, which led to the Scottish Government's Bill, stressed the need for a clear distinction between legitimate debate and rabble rousing. The Bill does not come close to reflecting that.

Sincerely,

Andrew Fraser  
16 July 2020