

JUSTICE COMMITTEE

HATE CRIME AND PUBLIC ORDER (SCOTLAND) BILL

SUBMISSION FROM LYNDA SAMUEL

Dear Sir/Madam,

I'm sorry that I was unable to access the online address where you called for views. Regarding your request for views on the Hate Crime and Public Order (Scotland) Bill, I have some concerns:

- Any new legislation must incorporate adequate protection for **free speech** in matters of belief and morality, otherwise we risk silencing common sense and, in some cases, perhaps even truth
- Citizens of a free democracy should, without fear, be able to disagree and discuss a variety of views on a range of topics without being labelledphobic
- There is a fine line between language which may 'offend' (or 'be deemed likely to stir up hatred') and criminality. Some views, expressed in an unkind, hurtful manner, may require a caution - but fall short of 'inciting to hatred' or being criminal. Lord Bracadale's review stressed that any legislation should make a clear distinction between 'rational argument' and 'rabble-rousing.' He accepted that the right to free speech 'protects expression which shocks, offends and disturbs other people.'
- We must be careful not to introduce any new legislation which risks unnecessarily involving the Police in healthy and legitimate arguments/debates. These are necessary to help us to hone (and perhaps change) our beliefs and understand alternate points of view
- Especially with regard to gender issues, we must be careful not to allow a tiny minority to dictate terms. My personal view is that I am uncomfortable about same sex marriage. I am by no means alone. But by holding or expressing the (Biblical) view that marriage is between a male and a female, I am not intending to stir up hatred. I am expressing my view. I am aware that a law has been passed legalising same sex marriage in this country.
- When people 'self-identify' as a gender other than the one on their birth certificate, this needs medical backup. The concerns about single gender spaces such as toilets are real and need careful consideration. (J K Rowling has expressed such legitimate concerns)
- I am deeply concerned about young school children being taught that they can choose to be a boy or girl! Many parents are outraged by such nonsense. It is bound to cause confusion in some young vulnerable minds. Teachers should not be required to teach such things. Let doctors decide, when a young person is much older, whether they suffer from genuine gender dysphoria. A very small minority might be diagnosed in that way. But to appear to promote gender fluidity and transgenderism in the classroom is, to my mind, both harmful and misguided. Such content should have no place in a primary school curriculum.
- Please read carefully Lord Bracadale's review, and note the safeguards that he has recommended. Is a change in the current legislation really required in

Scotland? If so, then please ensure that the language of any new law is robust enough to protect the freedom of speech of ordinary citizens who wish to express a sincerely held opinion or belief.

Thank you for considering these points that I have raised.

Lynda Samuel
16 July 2020