

**JUSTICE COMMITTEE**

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

**SUBMISSION FROM FADEKE LAOSHE**

To whom it may concern:

Dear Sir/Madam,

Please see my response to question 6 of the Hate Crime and Public Order (Scotland) Bill - Do you have views on the merits of Part 2 of the Bill and the plans to introduce a new offence of stirring up hatred?

Point 1: I feel that the wording of the new offence of stirring up hatred it is too ambiguous and could be unintentionally committed by someone who did not realise that their words could be considered abusive.

Point 2: I strongly believe in the importance of freedom of speech, in particular in regards to religious beliefs and views on morality, on which issues people should be given space to have debates and also to change their minds.

Point 3: From my understanding of legislation, the current criminal law already covers threatening or abusive behaviour likely to cause fear or alarm, so I don't see why a new law is needed.

Point 4: What I find most alarming is that a stirring up hatred offence could even be committed when you are having a private conversation in your own home. If our freedom of speech is being policed even within our own homes, then we have to question whether we are still a liberal, democratic society or a police state.

Point 5: I also note that there is no protection for Christian sermons in this Bill. As a Christian I find it concerning that even a Sunday service or street evangelism preaching that Jesus Christ is the truth and all other religions are false could see the preacher arrested for stirring up hatred. Or if the preacher said homosexuality is sinful he or she could again be prosecuted for stirring up hatred.

Point 6: The new offence of stirring up hatred threatens freedom of religion and belief and may result in people ( including atheists) being too afraid to say what they actually believe.

Point 7: Abusive behaviour is much too subjective and shouldn't be included in the offence of stirring up hatred, the offence should only include threatening behaviour.

Point 8: The language of "likely" to stir up hatred is also dangerous as it possible the person in question might be unaware their behaviour could promote this. The new offence should only include behaviour that is intended to stir up hatred, it should only be an offence if it is deliberate.

Point 9: I don't feel that the free speech clause is strong enough as it only protects discussion and criticism, when issues of faith are involved debates can become impassioned and argumentative.

Point 10: Many Christians still hold so-called "old-fashioned" views that marriage should only be between a man and a woman, so the free speech clause on sexual orientation should be strengthened to cover beliefs about same-sex marriage and allow for vigorous debate on these issues.

Point 11: Any new offence of stirring up hatred covering transgender identity must also protect the freedom to use a person's birth name and pronouns 'he' and 'she' etc and also protect the right to say that someone born a man cannot be a woman and someone born a woman cannot be a man.

Point 12: Police Scotland already has so much work to do dealing with homicides and domestic violence, free speech clause are important so that they don't become overloaded with frustrating or irksome reports. There is also a risk that some people might label disagreements as hatred (particularly in the political sphere) to silence those who oppose them.

Point 13: The threat of arrest and prosecution for stirring up hatred will keep many people quiet, this more subtle threat to freedom of speech is equally dangerous and undermines our notion of a free society.

Point 14: When Lord Bracadale published his Independent Review on Hate Crime Report, which led to the Scottish Government's Bill, he stressed that there needs to be "a clear distinction between legitimate debate and rabble rousing". In my opinion the Bill does not reflect this clearly.

Thank you for your time and I hope that you will take my views into consideration.

Fadeke Laoshe  
17 July 2020