

JUSTICE COMMITTEE

HATE CRIME AND PUBLIC ORDER (SCOTLAND) BILL

SUBMISSION FROM JOHN DOWNS

Response to 'call for views'

In general, the problem with 'hate speech' laws is that in an open society people should be free to publically disagree on many matters eg political or religious beliefs. Legislating to put limits on free speech, based on the perceived 'majority' beliefs of any society at a particular time, is likely to lead to the criminalising of those who express opposing beliefs eg that their religion is uniquely true or that their traditional beliefs about marriage or gender are right. Expressing such views politely, even firmly, does not normally mean that hatred is being expressed towards another/others.

This bill as drafted will result in a serious diminution of free speech in Scotland, stifling the freedom to express profoundly and sincerely held alternative views and beliefs. The threshold for 'stirring up hatred' is certainly too low in this bill as it only needs to be deemed 'likely' to stir up hatred. Strong proof should be required that stirring up hatred was the intention of the speaker/ writer. There are already existing laws covering 'threatening or abusive behaviour'. No new hate crime law is required.

Religious freedom is definitely being undermined by this bill. For example, in a church sermon, group discussion, one to one conversation, in writing etc, traditional views based on the Bible may currently be expressed freely eg the belief that Jesus is the only way to eternal life, that marriage can only be heterosexual or that we should remain in our birth gender as created by God. These are all mainstream traditional Christian beliefs. If speaking out (or writing) these beliefs becomes illegal, Scotland will have reached an unacceptable level of censorship. In addition, freedom to quote from the Bible must in no circumstance become a criminal offence.

Specifically, the free speech clauses that apply to religion and sexual orientation must also be applied to 'transgender identity', including the right for families and others to use birth names and pronouns.

Every belief system, whether political, religious or secular will be to some extent 'prejudiced' in relation to alternative beliefs. Except where violence is directly threatened, our society should not try to silence debate, disagreement, or strongly expressed statements of belief.

Finally, we can all be 'offended' at times by what people say about us or our beliefs. Creating new laws to silence people from offending others is not the way ahead for Scotland.

John Downs
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