

JUSTICE COMMITTEE

HATE CRIME AND PUBLIC ORDER (SCOTLAND) BILL

SUBMISSION FROM NORMAN REID

Some key Issues

Issue 1

It is important that the legislation is focussed tightly and definitions are specified precisely. The danger is that, in a well-meaning attempt to address the issues, freedom of thought and speech are effectively being silenced.

There is the danger of a lack of clarity about about what is meant by words like *blasphemy*, *hate* and the *right to disagree* and *state you disagree* (on any issue). In essence, blasphemy laws are an attempts by a dominant group to impose their viewpoint and outlaw other viewpoints. There is no place for that.

However, it is quite legitimate to comment on and argue against any viewpoint, - social, religious or political. It is illegitimate to vilify those who hold such viewpoints. Hate crimes must be defined to enable this distinction to be made. We must be tolerant of the views of others, even when we disagree strongly. We must NEVER be denied the freedom to state our views. However, personal vilification of others is central to any hate crime and that is the issue.

The danger is that legislation allows some groups in society to more or less outlaw any comment on what they believe and practice that *they* see as critical of their standpoint: free speech by others is effectively muzzled. Legislation must make the distinction clear: personal vilification is outlawed; stating one's views is permissible. Any law must make that distinction clear.

People have the right to believe what they wish. They have a right to practice and express their beliefs without fear of personal vilification. Personal vilification also includes calling people '*bigots*', '*anti-Semites*', or '*Islamaphobes*' and, thereby, silencing their viewpoint. There are exceptions to the right to believe, practice and state beliefs. If any of these are encouraging violence towards others, then that is not permissible.

Issue 2

The second area of concern relates to social media. The controls over these companies is woefully inadequate and they are permitting the circulation of false information, misleading information, and abusive information. To what extent can Scottish law affect such issues, given the international nature of these companies? There are two areas for concern: the abuse of children and, more importantly, teenagers by things posted which vilify an individual. This will be difficult to prevent by any legal system. The second area is that, when some particular pressure groups sees something on social media (even when circulated to a restricted audience), they are able to place inordinate pressure on the social media platform to remove the posting, despite the fact that, in most cases, the posting does NOT constitute any possible hate crime but is merely a legitimate expression of opinion. Free speech is again being muzzled.

Issue 3

While the '*intention*' of the speaker or writer is impossible to determine with certainty, what legislation can build in is the nature of the *intended audience*. Any legislation must address the issues of the potential audience for any statement made. A personal view, expressed on some social platform and designed to be read by those

are known to, and perhaps friends, of the sender is very different from someone, in a public location, denouncing and vilifying others. Recent cases in England have not handled this well. Again free speech and the right to state what you believe is important and is being muzzled, even when it is very obvious that no personal vilification is involved at all. In one or two cases, the issues has reached the Supreme Court which has been able to right the wrong (but that is expensive and time-consuming). A recent case in France also illustrates the problem and their highest court corrected the abuse. There are vociferous lobbies that are determined to silence all views with which they disagree and they are being remarkably successful: Scottish legislation must NOT allow that to happen. Building in the intended audience for any statement or posting is an important element in preventing this abuse.

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