

JUSTICE COMMITTEE

HATE CRIME AND PUBLIC ORDER (SCOTLAND) BILL

SUBMISSION FROM NORRY PASSWAY

I welcome the abolishment of the Blasphemy Law in Scotland.

However, I am concerned that this new bill may have the same effect as a Blasphemy Law because it may prevent people from speaking freely about their views on religion for this reason: religious adherents may claim that the person criticising religion was abusive in a way that was "likely to stir up hatred" and the intent to do so is not necessary to secure a conviction.

I appreciate that there is a clause which attempts to protect free speech in relation to criticism of religion, but I do not believe it gives adequate protection for the reasons given above. The clause in the equivalent law in England and Wales is stronger and this stronger protection is required if the bill proceeds.

Religion is a choice, even though for some it may be difficult to renounce the religion that they were brought up in. As such I believe it is a different type of characteristic that a person holds to age, disability, sexual orientation, transgender identity and variations in sex characteristics, and perhaps does not need to be protected in the same way.

However, If the bill is intended to protect religious beliefs then it must also protect those who adhere to other belief systems, for example humanism or atheism.

Some religious views and practices can be seen by many rational people to be inhumane (e.g. stoning to death "non-believers", or killing those who are homosexual). It is essential that criticism of such doctrines is not stifled by this proposed Hate Crime Bill.

I questions whether this bill is necessary as there appears to be existing legislation - Section 38 of the Criminal Justice and Licensing (Scotland) Act 2010 - that outlaws threatening or abusive behaviour against anyone that would be likely to "cause a reasonable person to suffer fear or alarm", and I understand that aggravating factors can be taken into account when assessing the gravity of the offence - e.g. if being a abusive to a disabled person because of their disability.

Norry Passway

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