

Don't erode free speech, NSS warns Scottish parliament

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The National Secular Society has warned the Scottish parliament that proposals to outlaw 'stirring up hatred' within a bill on hate crime represent "an unacceptable erosion of freedom of expression".

The NSS said aspects of the [Hate Crime and Public Order \(Scotland\) Bill](#) are "excessive" and have "dangerously low" thresholds for prosecution in a submission to the parliament's justice committee.

The committee has [called for views](#) on the bill as it prepares to scrutinise it over the coming months.

NSS objections to 'stirring up hatred' offences

The NSS [expressed particular concern over](#) provisions which would criminalise behaviour which is ["threatening or abusive" and intended or "likely"](#) to stir up hatred on various grounds, including religion.

It described these measures as "wholly unnecessary" and noted that existing legislation already protects individuals from threatening and abusive behaviour likely to cause "fear or alarm".

The NSS said if the new offences are introduced, they should only cover threatening conduct and it should be necessary for the prosecution to prove criminal intent.

The society added that provisions in the bill designed to protect freedom of expression are substantially weaker than a much more robust equivalent in similar legislation in England and Wales.

The 'stirring up hatred' offences would be punishable by up to seven years' imprisonment.

Other details of NSS submission

The NSS also proposed alternative methods to challenge intolerance. These included making Scotland's school system more inclusive and enhancing citizenship education.

The NSS also welcomed the fact that the bill would [repeal Scotland's blasphemy law](#). But it said it would be "deeply regrettable" if this advance for human rights was undermined by a crackdown on free speech.

NSS comment

NSS head of policy and research Megan Manson said the justice committee should be "deeply wary" of the Scottish government's plans.

"Hatred and extremism are serious social problems that need to be challenged. But the hate crime bill as currently drafted will be counterproductive – it will open the door to prosecutions on vague grounds.

"It will undermine freedom of expression and Scotland's wider commitment to civil liberties, while wasting the time of police and courts. It will encourage demands for censorship and a narrowing of public debate. And this in turn will undermine social harmony rather than promoting it.

"The justice committee should pressurise ministers to rethink."

Ms Manson urged NSS supporters in Scotland to [respond to the call for views on the proposals](#) if they have not done so already. The deadline for submissions is on Friday.

NSS involvement in 'Free to Disagree' campaign

The NSS is among supporters of the '[Free to Disagree' campaign](#), which [launched](#) last week and warns of the threat the bill poses to freedom of expression.

Since the launch NSS chief executive Stephen Evans has explained the society's support for the campaign in [an opinion piece](#) and the [inaugural episode of the campaign's podcast](#).

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