

'MILESTONE'

New Scottish laws on hate crimes against groups will carry up to seven-year jail sentence

- [Chris Musson, Scottish Political Editor](#)
- 24 Apr 2020, 15:03

NEW laws in Scotland will bring in a crime of “stirring up” hatred against groups including the elderly, transgender people and religions.

Justice Secretary Humza Yousaf announced the measures - with maximum seven-year jail sentences - as part of a long-awaited overhaul of hate crime legislation.



Justice Secretary Humza Yousaf announced plans for the new Hate Crime Bill. If passed by Holyrood in the coming months, as expected, the Hate Crime Bill would bring in “stirring up” of hatred offences - applying to age, disability, race, religion, sexual orientation, transgender identity and “variations in sex characteristics”.

All of these - apart from age - can currently trigger “aggravators” in law, meaning stiffer sentences for people whose crimes are motivated by hatred of a list of characteristics.

But currently, only racial hatred is covered by a “stirring up” offence.

An Important Milestone

The new law will also make it an offence - also punishable by maximum seven-year term - to possess "threatening or abusive material" that could lead to hatred being stirred up against one of the groups.

And after pressure from women's campaigners, Mr Yousaf announced an offence of misogyny would be brought in at a later date after a "working group" considers how this would operate.

Senior judge Lord Bracadale warned in 2018 against bringing in a specific anti-woman crime, saying any such offence should be about "gender", not one sex.



Lord Bracadale previously warned against a specific anti-women crime
Mr Yousaf said: "This new Hate Crime Bill is an important milestone.

"By creating robust laws for the justice system, Parliament will send a strong message to victims, perpetrators, communities and to wider society that offences motivated by prejudice will be treated seriously and will not be tolerated.

"Stirring up of hatred can contribute to a social atmosphere in which discrimination is accepted as normal.

"Our legislation, if passed, would offer greater protection for those who experience this kind of behaviour.

We all have a responsibility to challenge prejudice in order to ensure Scotland is the inclusive and respectful society we want it to be."

The Scottish Government said "stirring up" of hatred is defined as "behaviour that encourages others to hate a particular group".

Mr Yousaf said a working group will be established to "consider how the criminal justice system deals with misogyny, including whether there are gaps in the law that could be filled with a specific offence on misogynistic harassment".

Nicola Sturgeon confirms Covid-19 tests for essential workers as 100k kits arrive in Scotland

But he said the Scottish Government "is committed in principle" to a new misogyny offence.

He said the group would also consider whether a statutory aggravation and a stirring up of hatred offence in relation to "sex" should be included within hate crime law - meaning men could ultimately be covered too.

The Bill also abolishes the offence of blasphemy - not prosecuted in Scotland for more than 175 years.

The misogyny and sex measures would be bolted on to the Bill or passed as a separate law at a later date.

Mr Yousaf added: "I am also clear that we must do more to tackle misogyny and the Scottish Government is committed in principle to developing a standalone offence which would criminalise serious misogynistic harassment.

"We are establishing a working group to take this forward and further details of this will be announced in due course."

The idea of a specific hate crime for misogyny was floated by Justice Secretary Humza Yousaf in 2018.

The Scottish Government is "committed in principle" to a new misogyny offence This was despite top judge Lord Bracadale's review of hate crime law urging a crackdown on general "gender hostility" - rather than a women-only offence.

But there was criticism from women's groups of the judge's review.

Later, a Scottish Government consultation on a hate crime overhaul - the first step to legislation - said: "At this stage it is not clear what specific conduct a potential standalone offence for misogyny might cover, therefore if consultees consider that a standalone offence is necessary we would welcome views on the types of behaviour that could be captured by an offence of this nature."

Lord Bracadale's 2018 report warned about the pitfalls of a specific misogyny crime. He wrote: "Although I agree that the essence of the conduct which we are seeking to cover is usually against women, it is not inconceivable that there could be hostility against a man (or non-binary person) based on their gender.

"I have some concern that an approach which focused only on hostility towards women would risk stereotyping (all) men as perpetrators and (all) women as victims, which I do not consider to be an accurate or helpful message.

"A human rights-based approach suggests that having a consistent approach which is capable of applying in equivalent cases, regardless of the sex of the victim, is better."

Raising another potential complication, Lord Bracadale warned misogyny meant different things to different people, and pointed to the latest Oxford dictionary definition, stating it is a "hatred or dislike of, or prejudice against women".

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5 COMMENTS

John Jones

28 Apr

So now they are wanting to bring in a law that makes it a criminal offense to hate terrorists, grooming gangs and pedos. I hate all those groups and hatred is a human emotion and no law will stop me from morally wanting to hate such groups.

Reply

- **Peter Fielding**

Closer and closer to a Police State, I wonder which Cult this legislation has been made to protect from justifiable criticism

Reply

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Paul King

25 Apr Edited

After the Normans invaded, a law was passed that gave harsher sentences to Saxons beating Normans, than to Normans beating Saxons.

Reply

19

made upname3

25 Apr

Do you remember when we had freedom of speech?

Reply

33

Marty S

24 Apr

It will be a 'milestone' when all marches of hate are banned in the country. Don't beat about the bush, get it done.

Reply

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