About Humanist Society Scotland

1. Humanist Society Scotland (HSS) promotes Humanist values to people in Scotland, campaigns for an ethical, rational and secular future and gives voice to the millions of people in Scotland who live without religion.

2. We support a community of 15,000 members working together for a compassionate, dignified and respectful vision of Scotland and the world. We provide services, such as ceremonies and school visitors, which enable people to learn about Humanism and live their lives as Humanists.

Humanist Society Petition

3. Humanist Society Scotland have an active petition collecting signatures on our own website that is very similar in the aims of the petition currently before the parliament, it calls for the scrapping of the common law of blasphemy. Our petition currently 286 signatures of which we can provide details of to the committee if you wish.

Academic Review of Scots Law

4. HSS funded a piece of academic research by Prof Callum Brown, Prof Jane Mair, and Dr Callum Brown titled *Religion in Scots Law: Report of an Audit at the University of Glasgow*. This audit is the most comprehensive review of Scots law to ascertain where religion is mentioned or legislated for in different forms. HSS committed to publish this research in full for free to the public. The full report can be downloaded from our website: https://www.humanism.scot/wp-content/uploads/2016/02/Religion-in-Scots-Law-Final-Report-22-Feb-16.pdf

5. The Committee has received an exert of this report in a SPICe briefing.

6. This report has a full chapter (chapter 6, pp.201-206) dedicated to the law of Blasphemy, its current status and historical background to its establishment in Scotland. We would highlight especially section 6.4 from the report on the laws current status:

   “From the preceding discussion, it would appear that: (i) the crime of blasphemy is still a crime in Scotland at common law, and that (ii) the prerequisite for blasphemy, namely a standard of faith acknowledged by law as applying within Scotland is also still on the statute book, by virtue of the Confession of Faith Ratification Act 1690.”
“This 1690 Act has never been repealed, nor may it be argued clearly that it has fallen in desuetude, notwithstanding that such argument may ordinarily be employed in respect of Acts of the pre-Union Scottish Parliament. The problems surrounding the 1690 Act in terms of repeal or desuetude have already been noted in Chapter 1 on the Church of Scotland, where it is noted that this 1690 Act was ratified by the Act for securing of the Protestant Religion and Presbyterian church government (1707), which was in turn incorporated into the Scottish Parliament’s 1707 Act whereby the Treaty of Union was ratified, and as such is bound up with the constituting documents of the British State.

“Yet, despite the survival of the 1690 Act and the problems which attend it as to repeal or desuetude, it provides little more than the fixed point of doctrinal belief which is a fundamental prerequisite of the concept of blasphemy. It is the case that the statutory basis of the law of the crime of blasphemy has been repealed two centuries ago, and that what remains is a vestige of the common law, which has not been enforced for more than 170 years. It may be that the common law crime of blasphemy in Scots law could simply be abolished by statute, the common law offences of blasphemy and blasphemous libel having been abolished in England and Wales by the Criminal Justice and Immigration Act 2008 c. 4, s.79.”

Correspondence with Scottish Government

7. A member of the Humanist Society Scotland copied the society management into correspondence with his MSP regarding the status of Scotland’s blasphemy laws. A response was received from the Cabinet Secretary for Justice, Michael Matheson, by the MSP on behalf of his constituent in June 2017.

8. The content of the letter from the Cabinet Secretary acknowledged that blasphemy remains an offence under common law, but reveals that the Scottish Government have no plans to repeal this common law of blasphemy. The Cabinet Secretary also noted that the decision for prosecutions is ultimately a decision for the Crown Office and Procurator Fiscal Service.

Blasphemy Internationally

9. HSS is a member of the International Humanist and Ethical Union (IHEU), they co-ordinate the international “End Blasphemy Now” campaign, which has more information online about the state of blasphemy laws around the world: http://end-blasphemy-laws.org/. This notes that there are a number of countries around the world where Blasphemy is still punishable by death.

10. IHEU also produce an annual report on “Freedom of Thought” around the world and this includes the status of blasphemy laws: http://freethoughtreport.com/
11. The United States Commission on International Religious Freedoms published a report on blasphemy laws around the world in which they state that, even in countries where Blasphemy laws are not enforced, or have low level fines, these countries therefore deviate from “at least one internationally recognized human rights principle.” The full report is available online: [http://www.uscirf.gov/sites/default/files/Blasphemy%20Laws%20Report.pdf](http://www.uscirf.gov/sites/default/files/Blasphemy%20Laws%20Report.pdf)

**Views of the Humanist Society Scotland**

12. Scotland is increasingly being left behind other European nations who have scrapped blasphemy laws. These laws were scrapped in England and Wales in 2008, Iceland and Norway in 2015, Malta in 2016 and Denmark in 2017.

13. While not used in Scotland in modern times, having such laws makes it more difficult to call on other countries to scrap their blasphemy laws where they are used to persecute and even execute individuals. The fact that prosecutions hadn’t happened in a long time didn’t stop other nations from around Europe taking a stand and abolishing these outdated laws.

14. We support the international Humanist movement in ending all blasphemy laws around the world.

15. Blasphemy laws have no place in a modern society and the Scottish Parliament should show the same progressive leadership as has been shown in other European nations in recent years. Indeed the findings of the Religion in Scots Law report notes how simple a change would be required to be clear that the law was not in force by following the example of England and Wales.

16. While evidence provided to the committee by SPICe notes that any future such action under blasphemy may seem unlikely the committee should be aware that groups as recently as 2005 have attempted to press for a blasphemy charge. If such a law remains on the statue books there always remains the possibility that a different decision interpretation or decision of the Crown and Procurator Fiscal service could be taken.

17. The only way to ensure a Blasphemy prosecution was not brought again in Scotland would be to take the simple step of removing it as a common law offence as has been done in England and Wales, or as was the case of removing common law offence in Scotland of sodomy under the Sexual Offences (Scotland) Act 2009. This would also send a clear message to other nations around the world who use such laws to execute, discriminate and otherwise punish freedom of speech and expression.

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1 Scotland is not covered by this report. In correspondence with HSS the authors stated they considered the law in England and Wales only as representing the position of the United Kingdom and had not been aware of the difference in the law in Scotland.