



Blasphemy

Current law

Blasphemy is currently an offence under common law in Scotland. However the last known reported prosecutions for blasphemy were in 1843.

The offence of blasphemy is a crime against public order and decency and has two aspects: (1) the veracity of an individual's spoken or written words against God or religion; and (2) the words are spoken/written with intent to cause disorder. The law relates only to Christianity.

What the Hate Crime and Public Order (Scotland) Bill will do

The Bill will abolish the common law offence of blasphemy in Scotland.

Impact

Current legislative provisions already account for the prosecution of crimes aggravated by religious prejudice. These provisions are restated in the Bill. The abolition of the common law offence of blasphemy is not anticipated to have any effect as it has not been prosecuted for more than 175 years.

The Bill also introduced offences relating to stirring up hatred in respect of religion.

Abolishing the common law offence of blasphemy removes outdated law that is no longer considered necessary or appropriate. This will bring Scotland into line with many other countries who have recognised the need to lead by example by not legitimising retention and use of such an offence. This will remove the potential for Scotland to be criticised for maintaining a blasphemy offence and cited by other countries, which might use such an offence for the purposes of persecution of their citizens, as an example as to why blasphemy law is still appropriate.

Further Information

In the UK, blasphemy laws were abolished in England and Wales in 2008.

Ireland was the first country in the world to hold a referendum on ending blasphemy law, which resulted in a constitutional amendment in 2018 and repealing the offence of blasphemy with effect in 2020. Other countries that have already abolished their blasphemy law include the Netherlands, Iceland, Norway, Malta, Denmark, Canada and New Zealand.

Further information about the Hate Crime and Public Order (Scotland) Bill can be found on the Scottish Government webpage <https://www.gov.scot/policies/crime-prevention-and-reduction/hate-crime/>.