

JUSTICE COMMITTEE

HATE CRIME AND PUBLIC ORDER (SCOTLAND) BILL

SUBMISSION FROM VIVIAN DONALDSON

Dear Sir,

I wish to comment on the section of this bill - Stirring up offences (question 6)

This bill creates a new crime of stirring up hatred against specified protected groups but someone who is motivated by prejudice, could accuse someone who holds religious views or views on moral principles with which they disagree as 'likely to stir up hatred'. This would then have the opposite effect of what the bill seeks to do by causing the accused person to suffer threat.

Politically motivated complainers could claim disagreement is in fact hatred in order to try to silence their opponents. Police Scotland has said free speech clauses are necessary to prevent it being flooded by this type of complaint.

Disagreement and having different opinions is necessary and healthy in a democratic society such as ours. The freedom to state your views , even if they are no longer 'fashionable,' is under threat from this new bill. It is also necessary for freedom of speech for someone to be allowed to share their views or even to try to persuade others of their view. Otherwise you are on the road to becoming a society like those dictatorships where individuals have no freedom of speech but must agree with views only acceptable to the government. Already in Scotland, expressing different views is increasingly being called 'hate speech' in our media and those stating their views are being 'witch hunted' because their views 'upset' others.

I would certainly never support any behaviour which is genuinely threatening or abusive but to enshrine in law the words 'likely to stir up hatred' does not bring clarity and consistency but rather possible confusion and subjectivity.

Any new stirring up hatred offences should cover only threatening conduct, conduct that is deliberately intended to stir up hatred. Existing criminal law already deals with threatening or abusive behaviour.

This bill must not become a subtle threat to freedom of speech by causing people to keep their views quiet because of the threat of prosecution for 'stirring up hatred' where none is intended.

Yours faithfully,
Vivian Donaldson