

JUSTICE COMMITTEE

HATE CRIME AND PUBLIC ORDER (SCOTLAND) BILL

SUBMISSION FROM DR MARGARET STEWART

I am deeply concerned that this Bill will seriously compromise free speech. Lord Bracadale, in his Review on Hate Crime report, recommended a free speech clause be included regarding the subjects of religion, sexual orientation and transgender identity. He acknowledged "well recognised" concerns about the "potential risk to freedom of expression" including that "genuine and legitimate criticism could be construed as stirring up hatred" and any legislation could have a "chilling effect on freedom of speech".

This danger is clearly inherent in this Bill. There is a serious risk that politically motivated complainants will label disagreement as hatred to silence their opponents. Such opponents could be given up to 7 years in prison simply for holding views that the complainants do not like.

This new law is not needed because existing criminal law already covers threatening or abusive behaviour likely to cause fear or alarm. As Stephen Daily of the Spectator has commented "If the Bill is passed, Scotland would become the most aggressive regulator of citizens speech in the United Kingdom". Surely it does not want to have this reputation.

Thank you very much for your attention

Dr Margaret Stewart
20 July 2020