

JUSTICE COMMITTEE

HATE CRIME AND PUBLIC ORDER (SCOTLAND) BILL

SUBMISSION FROM COLIN KIRKWOOD

Good Morning,

Thank you for the opportunity to comment on the above proposed bill.

I would like to express two concerns in reply to Question 6 and the new offence of stirring up hatred.

Freedom of speech is a long held, widely respected and valued liberty enjoyed by the people of Scotland, which needs to be protected. However with liberty comes responsibility and it is important that one person's liberty is not exercised in such a way as to create a criminal offence against someone else.

The weakness of the proposed new offence of *stirring up* hatred is the interpretation of that phrase. First of all in the case of religious belief in particular it could occur quite unintentionally as part of rational discussion for example, secondly it is open to subjective interpretation and thirdly it opens up the possibility of vexatious claims. A more appropriate and less controversial wording, which would help protect freedom of speech would be "intending to stir up hatred".

The second concern is in relation to transgender Identity. Free speech clauses have been included to cover protection of freedom of expression for religion and sexual orientation. This protection should be extended to include transgender identity, allowing freedom to disagree with transgender ideology, which is such a controversial issue at the moment.

I trust these two suggestions might help the committee in its deliberations.

Yours sincerely

Colin Kirkwood
22 July 2020