

JUSTICE COMMITTEE

HATE CRIME AND PUBLIC ORDER (SCOTLAND) BILL

SUBMISSION FROM CLARE MCGRAW

The Hate Crime and Public Order (Scotland) Bill is an overreaching piece of legislation which would stop ordinary people voicing ordinary opinions in private settings as well as in the public square. In relation to question 1, the legislation is not needed in general. The Bill suggests that a 'clear message' is to be sent out that certain behaviors are not tolerated. However, it is not clear which behaviors these are. Moreover, good laws are not based on sending out messages but in providing mechanisms to prosecute crime.

In relation to question 6, 'stirring up' offences are ill-defined. It isn't obvious in which situations a person is more easily stirred up rather than the fault lying with the 'stirrer'. A clearer account of 'abusive' and 'threatening' is needed. In relation to question 8, all sections of the Bill should be protected under the freedom of speech clauses rather than protection extending only to speech around sexual orientation and religion. Protecting only two kinds of speech strongly indicates that other kinds of speech are not free. This cannot be part of a democratic society.

Clare McGraw

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22 July 2020