

## **JUSTICE COMMITTEE**

### **HATE CRIME AND PUBLIC ORDER (SCOTLAND) BILL**

#### **SUBMISSION FROM STUART WHITBY**

Please drop this prospective legislation. I provided a full submission previously regarding this which you can refer back to, and attended the public consultation in Glasgow. I carefully considered the arguments for this bill that were stated there, and nothing changed my mind that this bill is a fundamentally bad idea.

The entire ethos behind this is a breach of the ECHR rights of freedom of thought and freedom of speech. The basis for prosecution is still dependent on commission of a crime, in which case you create a class of people who have different protections than others in law. The freedom to be able to express hatred is required in order to have other people argue that your basis for opinion is wrong, because you're going to think you're right to hate until you can have someone else convince you otherwise, and this law discourages openness.

This law will not stop hate, and it's wrong for a government to attempt to step on individuals' beliefs in this way. If you want to do anything to combat hate, try an initiative to get people to be more resilient when faced with "hate" in whatever form and encourage them to engage in civil discussion. If that ends up in violence, then there are laws against throwing that first punch and these should be rigorously applied.

Any law which applies only to some people and not others is fundamentally against the idea of equality under the law.

The government's primary function is to protect its citizens' fundamental rights to liberty and property within its borders. Impositions against freedom of thought and speech are tyrannical. If the Scottish Government is going to change any laws in this regard, it should be to allow complete freedom of speech rather than prosecuting people like Mark Meechan for stupid/bad taste jokes.

Laws against incitement to violence - that's fine. Anything else should be free to be expressed and public argument against objectionable ideas encouraged.

Best regards,

Stuart Whitby.