

**JUSTICE COMMITTEE**

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

**SUBMISSION FROM MICHAEL J COLE**

I wish to express my objection to the proposed Hate Crime Bill and as requested I confirm my position.

The outline of the Bill is a major containment of free speech, a cornerstone of the UK's longstanding position on human rights. The drafting is a direct challenge to these rights and by definition can and will make criminals out of a person's views irrespective of any action associated with them.

The definition of "stirring up hatred" is too broad and open to interpretation, such interpretation can be used for any number of malicious reasons by those intent on doing so.

The basis of the Bill puts the complainant in an advantageous position by putting the respondent with the onus of effectively proving innocence. The whole basis of the UK laws was for guilt to be proven. A non-intended 'offence' would be put aside to simply favour the complainant's position that they were 'offended' if this Bill proceeds to law. A, frankly, absurd proposition and open to injustice.

The effect of such a law would require police forces to be engaged in such complaints, frivolous or not, and resources are unlikely to be available. This has been seen in England and Wales, with a less wide Bill than is being proposed and accounting for around 120,000 such "None-Crime 'Hate' Incidents" where no prosecution occurred. Not only taking police resources from 'real' crime prevention or investigation but causing a huge waste of such resources. It also stigmatises those accused by having a crime record when no crime has taken place!

There are, arguably, sufficient regulations in place to deal with real 'hate crimes' and more ill-defined and extensive regulations and laws are not needed.

This is a further imposition of public freedom, freedom of thought and expression and is should not be pursued.

Please record this and hopefully you will take this into consideration in your assessment.

Regards,  
Michael J Cole