

## **JUSTICE COMMITTEE**

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

#### **SUBMISSION FROM ELIOT TOMKINSON**

To the Government of Scotland concerning the call for views on the Hate Crime Bill.

Although it is apparent to me that the government will make no serious consideration of not passing this bill I feel it is my duty to write anyway.

I give my views in the numbered order given on the .gov website.

1. This question only asks for positive opinions on this bill. I believe that there would be no harm in consolidating current hate crime legislation into one bill and if it would help the 'user friendliness' and ease of access. However I do not think that these laws should be extended. Infringing on the speech of humanity should be seen as no less than an authoritarian action and should be avoided by any 21st century democratic and liberal nation.

2. I do believe there is merit in consolidating hate crime laws into one piece of legislation as it makes it easier for citizens to find what they can and cannot do by force of law.

3. It is my belief that hate crimes are not a simple crime. Racism, misogyny, xenophobia and other forms of hatred are not without cause. I therefore think instead of punishing people for inferred motives they should be punished for the crime committed and that the government should put more time into attempting to solve the inciting incident for the cause of these actions.

4. Age should not be covered under hate crime legislation as age is a phenomena that effects all people. No group is exempt from age and therefore it makes little sense that age should be included in hate crime legislation. Furthermore, when the government targets specific groups for protection under such bills this only acts to increase hostility and resentment by those who are excluded from that group.

5. People should be free to voice their views in the same way that people should be free to hold their own religions. This bill should not be extended to cover sectarianism and any crimes committed that would have fallen under this category should be treated as if it were a regular crime.

6. Instead of further banning freedom of speech the Scottish Government should invest in understanding the causes of hatred and how to avoid it. This bill would ban insulting people based on any of the criteria that would be protected under this bill, thus causing further division and increasing sectarianism (in both religious and non religious groups). This would also act to effectively ban several political parties in Scotland as they could be contrived to be seen as stirring up hatred thus furthering the authoritarian leanings of the SNP.

7. Insulting should under no circumstances be considered a hate crime. Children in schools are not criminals and neither are people in a fleeting moment of anger. Were insults against protected groups as in this bill a hate criminal then I can say with confidence that every person would be a criminal.

8 I think that creating this bill will enforce a separation of those protected by it and those not, and will seriously infringe upon the freedom of expression. The freedom of speech in Scotland is already among the most restrictive in Europe, this bill would only further that restriction and cause undue anger and alienation to those who seek to gain the freedom of speech.

9. I do not agree with the Scottish government, and rather I side with Lord Bracadale who thinks that section 50A should be repealed.

10. Any law that restricts the speech of citizens should be repealed.

I hope that the Scottish Government is willing to thoroughly review this bill and come to the conclusion that it is undemocratic and authoritarian.

Many thanks,  
Eliot Tomkinson,  
08 July 2020