

JUSTICE COMMITTEE

HATE CRIME AND PUBLIC ORDER (SCOTLAND) BILL

SUBMISSION FROM LEWIS GOLDBERG

I am writing to provide my views on the Hate Crime Bill. The following is an extract of an email sent to my MSP.

The legislation aims to add protections for groups of people who are particularly vulnerable to verbal attacks and discrimination. I believe it is important to protect these groups of people from institutionalised discrimination. However, I also believe that this legislation could have a detrimental effect on free speech in Scotland.

According to the Explanatory Notes document found on the Scottish Parliament website, Part 2 of the Bill “creates offences of stirring up hatred against a group of persons based on the group being defined by reference to a listed characteristic.”

Furthermore, it is specified that offenders would still be convicted even if they had not intended to “stir up hatred”.

I find the vagueness of this description to be concerning from a free speech perspective.

As a human emotion, hatred is a subjective experience which is perceived differently by different people. Furthermore, it seems to me that legislation as vague as this allows courts to bend the law to prosecute any sort of actions they deem inappropriate. By this legislation, an innocuous action taken by an individual which indirectly stirs up hatred could be prosecuted. I am deeply concerned about how such laws could be applied fairly.

In addition, this bill has been introduced at a time of unprecedented disruption. After researching the Bill I could find little media coverage of the matter. Legislation which has the potential to closely affect people’s freedom of speech should be introduced at a time when the population is able to have a more active role in the discussion.

Lewis Goldberg
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