

## **JUSTICE COMMITTEE**

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

#### **SUBMISSION FROM COLIN MACLEOD**

Thank you for the opportunity to respond to the Hate Crime & Public Order (Scotland) Bill. In response to the phrasing of Part 2 and the proposed new offence of stirring up hatred:

This is a well intentioned attempt to eradicate hatred in our society and any such endeavour is to be warmly commended by us all. However, such an endeavour must also be crystal clear and absolutely specific in its language and scope. I do not accept that the Bill in its current form achieves this lofty aim.

In its current form the legislation presents a threat to free speech and religious liberty that have long been exercised in our country and that have come to define us throughout the ages as being a nation where all have the right to debate and disagree on matters of conscience.

Where disagreement exists, debate will surely follow. All such debate must of course be reasonable, rational and respectful. The very essence of disagreement ensures this - but disagreement is not hatred. The use of the term "likely" is so vague that almost any disagreement on any view - religious, political, sociological, economic - may be taken as having an intention that was never originally construed or imagined. We are a free society that welcomes all. To ensure this, we must retain the scope, and the right, to voice, share and defend deeply held differences with respect and courtesy. Again, the term "likely" is too vague and even possibly misleading. The language needs to be specific - "intended" is an example of this and would be more helpful.

To this I would add that there is already ample provision in criminal law that addresses directly any abusive conduct that would raise alarm or display an intention to such

The centerpiece of the Scottish parliament building is surely the debating chamber which most of us see daily on our TVs. That itself should give pause for thought in drafting this Bill. Debate is where ideas, beliefs and differences are expressed. Scotland has thrived with such an outlook and this Bill directly threatens that very heritage.

Please give careful consideration to replacing "likely" and thereby tighten up and specify that those who deliberately set out to stir up hatred will be identified and taken to task.

Disagreement is not hatred. Please ensure that freedom of speech is given the protection and reverence it deserves by enshrining it as a right for all Scots and all people in Scotland, rather than inhibiting it. Nobody would expect the debating chamber of parliament to operate under the constraints of being accused of stirring up hatred because MSPs express deeply held differences. Legitimate debate is a

cornerstone of any free society. As our elected officials you must protect our rights to disagree without fear of being branded haters.

Colin Macleod  
11 July 2020