

JUSTICE COMMITTEE

HATE CRIME AND PUBLIC ORDER (SCOTLAND) BILL

SUBMISSION FROM STEVEN MCWILLIAM

Hello Sir/Madame,

I have concerns about the introduction of this bill and as such oppose it.

Firstly, in Section 1 1)b the wording is seemingly vague enough to enable prosecution even where no individual is a victim or accuser. In the Explanatory Notes, the example is of graffitiing a place of worship which is an offence to the group of worshippers with no specific victim. However, another interpretation would be that if someone perceives offence on behalf of a group that the offender would be liable to prosecution even though no individual from the group complains or claims to be offended.

In Section 1 3), why should other motivating factors be ignored as immaterial? Surely the fact that they are motivating factors means that they are important and should be considered.

In Section 1 4), if the accuser claims that they defendant was aggravated by prejudice and is the only witness then how can the motivation be verified? Will this not devolve into he said, she said?

In Section 3, "stirring up hatred" is never defined. What constitutes stirring up hatred? I am Glaswegian and I could easily stir up hatred by walking into a pub and saying I love Rangers. Would my exclamation of support be considered stirring up hatred if someone in the bar is a Celtic fan? And if so, would I be prosecutable?

In Section 3 1) a), Why should it be a criminal offence to be insulting?

In Section 3 4), does it need to be proven as reasonable based on the beliefs of the defendant? If they have a genuine held belief that the content they produced was reasonable then is that satisfactory?

In Section 3 8), why is the motivation for crime considered in sentence length? Why is it worse to beat someone for a protected characteristic than to beat them for no reason, or because they had sex with your girlfriend, or they stepped on your foot?

In Section 5, If a person buys content that is then deemed to be threatening, abusing or insulting after they have purchased it, the is that person also liable to be prosecuted?

Additionally, by restricting speech in this way there may be unintended societal consequences further down the line. If this law had been brought into place 30 years ago before the LGBT movement became mainstream, it seems like much of their movement could have been considered as spreading insulting material due to the

popular opinion at the time being different to our acceptance now. I am concerned that this legislation might make it difficult for future shifts in mainstream culture.

I hope freedom of speech is protected in Scotland as I do love this country.

Best Regards,

Steven McWilliam
14 July 2020