

JUSTICE COMMITTEE

HATE CRIME AND PUBLIC ORDER (SCOTLAND) BILL

SUBMISSION FROM JACQUELINE HICKLIN

1. I think that, in principal, this Bill is a good thing, in order to make legislation clearer and more uniform, however I have some very significant concerns about this Bill and fear it will curtail free speech in this country.

2. Yes I think this is good.

6. This part of the Bill concerns me significantly. While I believe that this Bill is being introduced out of good motives to protect vulnerable people, I feel strongly it is at a great cost to free speech in this country. People expressing strongly held opinions, without any desire to stir up hatred, could find themselves guilty of a criminal offence. As far as I understand the Bill, if another party deems what was said to be insulting or abusive, even if it is not intended in that way, the speaker is liable to prosecution. This is likely to shut down debate on many issues that divide our society, meaning that people will not give their views for fear of finding themselves on the wrong side of the law.

Free debate is a cornerstone of a democratic society. In his review, Lord Bracadale recommended some robust protections for freedom of speech, distinguishing between rational argument and rabble rousing. I would like to see the Bill amended to include this, so that people in Scotland will feel free to give their opinions honestly and openly, without having to fear legal retribution. While no one likes to have their views or practices questioned or condemned, this is very different from experiencing threatening behaviour and the law should reflect this.

7. I think 'insulting' should be removed. This is a term so subjective that any disagreement regarding someone's beliefs or practice could be labelled criminal.

I fear this law is far too vague and will significantly undermine free debate in this country.

Jacqueline Hicklin
14 July 2020