

**JUSTICE COMMITTEE**

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

**SUBMISSION FROM JOHN TURNBULL**

Dear Committee,

I write in response to Question 6 in the consultation on the above subject and can find nothing meritorious about the intention to create an offence of 'stirring-up' racial hatred.

Criminalising anyone for exercising their right to freely express an opinion on any subject is a dangerous step to take no matter how strongly another may disagree. Also runs the serious risk of encouraging malicious complaints from those holding opposing opinions.

The use of the words 'likely to stir up hatred' are particularly worrying. 'Likely' is a wholly subjective and loose word to use in the definition of an offence and will inevitably invite endless argument about what was in the mind of a supposed offender. 'Intention' should be the only criterion involved and that itself can be a contentious enough issue to prove.

Matters of religious belief and moral opinions on subjects like sexual orientation, same-sex marriage and gender will always generate much heat and sometimes intemperate language and a free democratic society must learn to live with this without pandering to the latest vocal pressure group that wants to shut them down.

I strongly disagree with the intention of this Bill: it's a potential legal minefield that will make Scotland a less than safe place to think and share and debate the issues of the day and I urge the committee to counsel the government to have the courage to depart from it.

Yours sincerely,

John Turnbull  
16 July 2020