

## JUSTICE COMMITTEE

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

#### SUBMISSION FROM DOM THOMSON

To the Justice Committee regarding the Hate Crime and Public Order Bill. Please find below my views on the matter,

1 (*General*). As a non-heteronormative individual, I do not believe there is a need for this bill. The protected classes listed in this bill (of which I am one of) face daily ridicule, ostracisation (particularly from other members of the proposed protected classes, such as the elderly) and physical violence on occasion. To grant special rights to these persons will single them out for further abuse, as certain groups on both sides of the political extreme will perceive the bill as elevating the protected groups above them. For the sake of equality, all peoples and persons, regardless of their gender identity, sexual orientation age, race or creed should be beholden to the same laws. Under Article 10 of the European Convention on Human Rights, each individual is provided with the right to freedom of expression and information, including the rights to hold opinions, as well as receive and impart both information and ideas. In place of this bill, reformation to both the police and criminal justice procedures should be made by scrapping the current police handbook on hate crime, training the police service better to recognise the difference between genuine, overt hate crime (i.e physical violence, blatant calls to violence, fascistic sentimentality, overt racial supremacy sentiments) and social disagreements (i.e non-specific verbal insults such as cursing, name-calling or colloquialisms).

2 (*Consolidation*). No. Consolidating these crimes into a blanket policy removes the fine scrutiny required to assess these crimes under an individual basis. All such crimes can and must be assessed individually. The police and justice system must be given a significant funding increase to ensure millions in tax money is not grossly or frivolously-misused to prosecute innocents.

3 (*How to prosecute hate crime?*). Please refer to points made in #1 with regards to overt vs non-specific. Prosecution requires contextualisation. Verbal warnings should be issued to individuals who say or do any non-violent acts toward another in a heated argument where emotional outburst is the root cause, and not hatred or genuine racial disagreements.

4. No. Generational divides present different cultural norms. Older generations have been raised in a society where some social norms considered 'normal' for the period, may be considered 'offensive' now (i.e racial remarks, intolerance of non-heteronormative individuals - 1952 Gross Indecency/Offences Against the Person Act 1861).

5 (*Other forms of crime not included in the Bill*). Yes. Sectarian violence in Scotland has been a constant problem. While often understood as football hooliganism, many religious-leaning groups are intolerant of one another (Islamic faith deeming non-Muslim faiths as infidels. Catholic/Protestant violence and institutionalised hatred for one another.)

6 (*Stirring up offences*). Section defines "stirring up hatred" as a non-specific umbrella term similar to the draconian "breach of peace" charges levied against innocent individuals, particularly persons of colour, or non-heteronormative individuals. This breeds more further intolerance, racism and pushes non-offenders to the violent far-right and white supremacist groups, wherein violent acts may be performed upon the protected classes outlined in this bill.

7. See above.

8 (*Other issues*). As outlined in #1, all individuals must be beholden to the same laws and rights afforded to us. Non-violent expression should be permissible, including materials considered insensitive or offensive, provided individuals in possession of such material have said items for either historical value, or for personal collection. Non-aggressive public gatherings, LGBTQ marches, political rallies, rights activism, advocacy marches can and *must* be offered protection regardless of political leaning. Any overt instigation of violence (call to violent action, threatening harm upon others; raiding, doxxing, swatting, home invasion, etc) must **NOT** be protected under freedom of expression. Any materials depicting minors in vulnerable situations, physically or sexually likewise must **NOT** be protected under freedom of expression. Rumour and hearsay are not valid reasons enough to prosecute an individual, and may be construed as defamation, slander, libel or defamation per say, leading to legal cases brought upon prosecutors costing thousands in judicial fees.

9. No comments.

10. Blasphemy law falls under the purview of the bill's intent to create protected classes based on religion, and must either be upheld or integrated into the bill. To exclude one group elevates the others and will likely lead to religious hatred based on perceived special rights afforded exclusively to one and not another.

Thank you

Dom Thomson  
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