

## **JUSTICE COMMITTEE**

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

#### **SUBMISSION FROM FERGUS YOUNG**

##### Viewpoints on the 'Hate Crime and Public Order (Scotland)' Bill

Hate crimes are something which can be very difficult to truly define in such a diverse society whether by age, sex, race or sexual orientation. It is only when someone uses it as a weapon against someone else whom they only disagree with can become a problem as a country that was built on democratic ideals, it is a human right for people, no matter sex, age, race or sexual orientation, to debate on the ideals which matter most to us as individuals and groups especially from stand points which may be outside the normal narrative.

Discriminating someone against sex is something which can happen in a day to day life for a woman from victim blaming for being sexually assaulted to derogatory comments against them at a place of work. However, the double standard I worry about in the bill and in day to day life is that it can be that even if men are domestically abused, raped where their claims are not taken seriously or are slandered just for being a male then this bill feels as if it reinforces this societal norm and could continue without being unchecked. With misogyny still an occurrence then if that is kept on the bill then surely misandry should be added too especially with alarming statistics brought out by the Mental Health Foundation UK with three quarters of UK suicides in 2018 being male

Another issue with introducing a bill like this is that it can be very difficult to police in a practical sense and almost an unfair targeted sense like the controversial sectarianism bill which the BBC reported about on the 15th of March 2018 reporting that some groups advocated that it was unfairly brought in to target football fans; specifically Ranger and Celtic supporters instead of trying to deal with the core problems of discrimination of people through their religious and cultural beliefs. Like the sectarian bill it would be hard to police and could be used to unfairly target people as, for an example, if a Caucasian person and a BME person would have a differing opinion or were to insult each other the BME person could abuse this power of the new bill by reporting as a hate crime even if the altercation had nothing to do with race.

Another part of the bill to question is about the term 'stirring up hatred' is a very broad and generalized term. Like the last point made it could be very easy for people to manipulate and use to their advantage. An example of how this could be done is the simple phrase "You'll understand when you're older." being used from an elder to a young child so as they will be able to gain knowledge about a particular subject which they would simply not understand as a child. If this bill were to become law then, if for example, the child in question were to take offence to this, then they could report this to the police and with this being law they would have to follow up on this arresting the elder and possibly being charged for a simple phrase which is generally used in a joking way.

When it comes to transgenderism and gay rights, it has seen great progress in recognition since the stonewall riots of 1969 to gain rights of gay people being discriminated against for their sexual orientation with myself showing support at being in the West Lothian and Glasgow pride marches. This has unfortunately been tarnished in recent years where the introduction of this bill could see similar consequences of Canada's act to amend the 'Canadian Human Rights Act and the Criminal Code' in 2017 which sees people who can be arrested simply for the misgendering of a person who doesn't identify with their biological sex without prior knowledge of this person's gender and controlling an individual or group's speech

If this bill were to come into effect, as mentioned in the opening of the statement, then freedom of speech as a human right would be at risk and any differing opinion could be silenced with one group of people reporting the other group for a hate crime which wasn't deemed as hate. Any debate between people would be thwarted and would be debilitated if this bill comes into effect with people taking advantage of it for their agenda. Discrimination against a person's identity and beliefs should always be challenged but the harms it causes will unfortunately be diminished for punishing people for their use of free speech if what they say isn't liked by a general consensus

Fergus Young

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