

JUSTICE COMMITTEE

HATE CRIME AND PUBLIC ORDER (SCOTLAND) BILL

SUBMISSION FROM DR PETER ASHBY

As someone who joined twitter as a 'Gender Realist' back in May I am very concerned about the Section 2 provisions in this bill. Most especially where offence is in the mind of the receiver and no intent need to be proven. So if I tweet some Biological reality and a TransActivist takes exception to it & reports me to the police I am forced to find the money to defend a criminal prosecution. I'm on UC but own my own house, this could bankrupt me and make me homeless.

I recently described to someone on twitter what she might see if sharing a changing room with an intact male. Someone who cannot parse an ordinary English sentence thought I was threatening her with it, reported me to Twitter & refused to apologise even when the error was pointed out. So mistakes in comprehension could cause one to fall foul of Section 2. If this is not the intent then S2 needs to be urgently redrafted to make it clearer, add in a presumption of lack of intent unless proven & resort back to the (apology for the Englishism here) the common sense of the man on the Clapham Omnibus in terms of whether something is offensive.

Along with ForWomen.Scot I urge you to add sex as a characteristic in Section 1 and to remove Section 2 completely or reform it out of all recognition.

Your sincerely

Dr Peter Ashby
20 July 2020