

JUSTICE COMMITTEE

HATE CRIME AND PUBLIC ORDER (SCOTLAND) BILL

SUBMISSION FROM GARY GREENAN

I've seen a draft of this bill and I'm genuinely concerned about the free speech implications.

To start with the characteristics refer to "transgender identity" but not sex. How exactly is transgender identity defined? Recently anyone can claim a transgender identity.

Non-binary, which is basically just a fashion choice, is considered transgender. I could claim to be non-binary and make no effort to change my lifestyle and nobody could prove otherwise.

People have been reported for hate crimes for stating the biological fact that there are only two sexes, male and female. Are you going to start arresting biology teachers?

(Example of a "transphobic hate crime" being thrown out of court is here <https://www.telegraph.co.uk/news/2019/01/24/man-investigated-police-retweeting-transgender-limerick/>)

I'm also concerned that sex isn't a protected characteristic. Women get rape threats and death threats online all the time and nothing at all is done. Look at any recent JK Rowling Tweet to see examples of this. But ordinary woman are worst affected. Are we saying threats of rape are not as bad as saying that trans women are not literally women?

Lastly the "regardless of intent" part is chilling. Taking religion (one of the protected characteristics) as an example. If I say I don't believe that there is a god, I am stating a belief- if someone takes offence to that I could be charged with a hate crime!

Thanks

Ps, Who gets to decide what is a hate crime? What next? Criticising an employer? A corporation? The government?

Gary Greenan
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