

**JUSTICE COMMITTEE**

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

**SUBMISSION FROM SUSAN MOFFAT**

I am writing as an individual with views on some aspects of the Bill

1. Aggravation of offences by prejudice. I am pleased to see the inclusion of 'sex' since this concurs with the protected characteristics in the Equality Act 2010. I have been increasingly concerned about the conflating of sex and gender in other documents emanating from the Scottish Government, which do not mean the same thing. However I note this is included as an optional add in at a future date. This is very unclear and denotes confusion between the reality of biological sex and the notion of self identifying which is fraught with difficulties and inconsistencies. As someone who worked for the NHS on issues of violence against women, and given the continuation of high levels of violence against women this is extremely worrying. I believe this also ignores Lord Baraccadale's advice. I would add that the concept of a transgender identity is not provable or evidenced, yet the transgender lobby has made inroads into influencing policy despite lack of actual evidence. AS for non binary as a description, the term has no meaning. Sex is binary.

2. Stirring up hatred. The terms used are confusing and subjective. In terms of women's rights there is clear evidence of high levels of violence and abuse and therefore the need for safe and single sex spaces. In relation to the terms used there has also been a worrying rise in use of these terms by the pro Israel lobby who claim that people who are critical of the State of Israel are anti-semitic. Again there is a non evidenced blurring of terms leading to great confusion among the general public and threats to people who should be quite entitled to criticise the political actions of a State. That is not in any way stirring up hate against individuals  
The Bill is fundamentally flawed and therefore open to abuse  
Yours sincerely  
Susan Moffat

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22 July 2020