

**JUSTICE COMMITTEE**

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

**SUBMISSION FROM JAMIE JOHNSTONE**

I have a few concerns about the proposed Hate Crime Bill. My biggest concern is the inclusion of 'insulting behaviour'. Retaining this makes it possible for someone to be prosecuted for unintentionally insulting another person, and may also have problems with regard to free speech. Discussions about race, gender etc should be allowed without fear of causing offence. I think this Bill could be abused by people who hold a grudge against others. Look at the current "cancel culture" which has become rife in both the US and the UK as an example, where academics are being prevented from speaking, simply because others disagree with them, and others are being hounded out of their jobs by Twitter activists. In some cases, speech from those under attack is deemed as "violence", which it clearly isn't in the majority of cases. Now imagine a society where speech can now be deemed as 'insulting', and worthy of punishment. What would that mean for J K Rowling, who recently made some comments regarding gender? Under the new bill, she could be prosecuted for saying something that the majority of reasonable people agree with, but that some gender activists object to. Some speech may also be interpreted as being 'abusive', another word included in the Hate Crime Bill. What precisely is regarded as 'abusive'? Does the Bill tell us? What would it mean for comedians in comedy clubs for example? Are the Thought Police going to be listening in to my conversations at home? I would like to also point out that 'hatred' can also be subjective. It is not clear to me that this Bill protects free speech, especially regarding contentious issues such as gender identity. Discussion,debate,criticism and the ability to refute ideas must be upheld.

I want to keep this short as I do not have the time to write as much as I would like, but I am also concerned with the inclusion of the offence of 'misogynistic harassment'. Why include this offence, yet omit misandry? This is an absolutely appalling omission, that I actually find 'insulting'. Can I prosecute?

Jamie Johnstone  
23 July 2020