

## JUSTICE COMMITTEE

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

#### SUBMISSION FROM RAOHAN MAC

As a gay man looking forward to soon marrying my partner, I find myself ever so grateful to live in this country, a land so tolerant with a government which has demonstrated that it holds the interests of the LGBT community at heart.

For over a decade, I have watched the Scottish Government act as an example to the world in correcting the mistakes of its past. It has been undeniably successful at changing the hearts and minds of those who once held hate in their hearts for my community using sensible legislation and forward thinking.

However, the proposed Bill strikes fear in my heart. I fear the Bill is a massive legislative overstep, which mimics the tactics of authoritarian regimes using social justice as a tool to justify an unnecessary and potentially dangerous piece of law. Simply, reading through the proposed Bill is not unlike that of reading a prologue to George Orwell's 1984.

The first issue I have is the addition of a provision regarding the aggravation of offences by prejudice. The real-life effects that Section 1 will have means that a single witness is sufficient for the prosecution of a crime, regardless if there are any victims.

The vague language of Section 3 creates an offence for simply behaving in a "threatening" or "insulting" manner, including the act of communicating similar material, on the basis that as a result, it is "likely" that "hatred" will be stirred up. Our language is subjective, and what may be insulting to you, may not be insulting to me. By applying an objective filter to our expression, there will no longer be any room for interpretation. This creates a dangerous situation in which the prosecution has the power to determine the intent of one's language and actions, a prosecution that is not immune to bias.

Section 5 criminalizes the simple act of possessing inflammatory material. Using the definitions set out by the Bill, one could define almost any piece of literature or artwork as inflammatory. Would this lead to a government sponsored list of *approved* materials, similar to the methods used by the Chinese government? Furthermore, it is vitally important to go so far as to actually protect inflammatory material, as we cannot learn from the past if we simply remove anything that may cause offence.

Sections 11 and 12 do attempt to protect the freedom of expression with regards to Sexual Orientation and Religion, but what about the protection of freedom of expression with the *other* protected characteristics? Or simply the Freedom of expression in general.

To summarize, the reach of this Bill is almost impossible to define and is arguably vulnerable to abuse. Combining this with the powers provided to the police in Section

6 truly terrifies me. I believe this is a huge step in the wrong direction in combating injustice and bigotry in Scotland.

Raohan Mac  
8 July 2020