

**JUSTICE COMMITTEE****HATE CRIME AND PUBLIC ORDER (SCOTLAND) BILL****SUBMISSION FROM JAY BENNETT**

I am writing to give my concerns and views on the Hate Crime and Public Order Bill that is being introduced. I heavily feel this is a giant restriction on human rights of the Scottish people; and if this was to be accepted possibly more peoples'. In the Human Rights Act of 1998, Article 10, Section 1 it reads "Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers", which I feel this new Bill is a direct antonym of this. The second part of the bill is highly subjective also. The implications of a government being able to control their peoples' speech is Orwellian at best, also I would like to know what 1 person or even group of people are objective enough to decide who his worthy of the help of this bill and if someone should be prosecuted because of it. Another thing I think is flawed in the idea of hate crime is someone having a harsher punishment for the same crime because of their intentions/views or the victim's(') characteristics. Why should someone have a worse punishment for assault because it was to a Muslim or not, it should not matter the characteristics of the victim or guilty party, the punishment should be for the crime. Why should someone who assaulted a white cis man because they were angry that day be treated with more *understanding* than someone who assaulted a Muslim woman because they could be "perceived" as a sexist Islamophobic person. There is so many grey areas in these types of "crimes" that it would be impossible to get every one of them right, which I don't think is the reason this bill is being introduced anyways. The amount of people that are going to be falsely prosecuted because of this and get a worse punishment is no where near the worth of the "help" it will give the people it is meant to "protect". Also why do other people get to decide the thoughts and opinions on another person and prosecute them on these thoughts and beliefs, No ones thoughts should be a crime. If they act on these thoughts it still doesn't make the thoughts become a crime, the actions do; therefore someone doing the same crime for different reasons doesn't justify a bigger sentence. Words should never be illegal since it can be so easy to ignore them and in a world/society you can never expect people to think similarly so people will always disagree. These disagreements could be on thought beliefs and with this bill it could be easily skewed for someone who disagrees with a different religion to their own to be classed as "hate crime", which just limits the progress of the group of people since no one can have criticism and improve. Opinions/thoughts and the right to express those opinions/thoughts should not be overtaken by the right to not be offended or had mean words said to you. This is what this bill is doing since I've already said if there is a real crime, the reasons behind it should not make the crime any worse. Mean words should never be a crime, but be treated as such: mean words. People have many avenues to go down when it comes down to hearing something they don't like: not listen; say mean words back; try to reason/convince the other person to other beliefs and such. An avenue I think that should never have to or actually happen to go to the authorities. People are adults and should be able to deal with things we are taught in primary school to handle and not have to go to the government/police about words. This disables the group of people so heavily to depend on authorities for yet another thing

and to not be able to take criticism (or give any). There are so many “disadvantaged/unprivileged” groups of people that almost anyone can use this to their advantage for not liking something someone else done. People are so highly diverse that it is not likely to not find someone different to you in some way to be able to say they are motivated by that difference. I also feel like this bill is going to be used “one sided” and unfairly. I feel like it will be a lot easier for a trans/woman/immigrant person to misuse this bill than and cis British man. I think this is because of the modern privilege war that people are using to get things handed to them in the name of “equality”. This will lead to a society that is also forced to feel sorry for itself in the name of getting less “privilege” so they can be criticised less, leading to the people with the least “privilege” having the most and visa versa. I think what I spoke about is already happening and is very apparent. All of these points are something an authoritarian government would want to happen: control peoples’ speech; choose who gets worse crimes for something very subjective and vague as perception; controlling peoples’ thoughts with these perceptions; making people rely on authorities and the police even more; disabling the people to converse, criticize and learn and making the people try to be the most “unprivileged” as possible, making themselves never help themselves or others. This is where I truly think where this bill is coming from, not to help the people who are being treated wrongly for things they can not help – note on this, almost everything people are, they cannot help so the possible eventualities of where this bill could keep going to is honestly scary. Even if this bill is coming from a good heart and intentions it could so easily be used wrongly and to create a tyranny as the people with the best intentions can never stay for long. I have hoped that I was wrong about where I thought the future was going, but things like this are only proving me right. This bill should never come into fruition as mean words, thoughts and opinions should never be a crime and if someone commits a crime based on those things it shouldn’t make it more of a crime. Also the thing that makes this bill so much worse is the fact that it is written in a way to umbrella and shoe horn so much more speech/actions into with the “likely consequence that hatred will be stirred up against a group” as this could be almost anything as how people take what other people say is totally subjective. There is more wrong with the bill than this but I’m sure other people will pick up those parts and in my opinion half of what I have said should be a breach of human rights enough for this to not come into law.

Jay Bennett  
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