

**JUSTICE COMMITTEE****HATE CRIME AND PUBLIC ORDER (SCOTLAND) BILL****SUBMISSION FROM FRASER YUILL**

I am writing to you to discuss this newly proposed bill by the Scottish Government and why it should not, and cannot, be put into law. To start I'll just gloss over some of the main points I will discuss in this bill here. This bill has shown a blatant disregard for basic human rights and has violated at least 2 (that I know of) human rights acts that the UK has signed onto. This bill will strip people of their right to criticize any group or individual they would like and will instead be forced to sit and watch things they disagree with happen, which I would deem as discrimination against those people who want to have their voices heard. This bill also has multiple inconsistencies that further show discrimination towards certain groups, for instance, mysogny is deemed as one of the offences in this bill but misandry isn't, surely this shows a bias towards women in the legal system and can be considered discriminatory towards any men? The whole bill continuously cites the term, and is titled with, 'Hate Crime', but, as is even stated in this bill, there is no concrete definition of this phrase, hate crime laws are a separate issue that, unfortunately, I feel shouldn't be discussed in this email, this act should be stopped first before any such discussions are had about that topic as a whole.

In the European Convention for Human Rights (ECHR), there is a convention, of which the UK has agreed and signed and declared it as basic human rights within the UK. The convention itself has many different articles that outline all the basic human rights of each individual that is from a nation that has signed onto this convention, these articles include the right to marry, the right to life, the prohibition of slavery and forced labour etc. Under Article 10, Section 1, titled: Freedom of expression, it states "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. This Article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises", this new bill plain and simply breaches this article straight away. If certain groups are protected then surely they have more rights than I do? It clearly states that 'everyone' will have the right to freedom of expression so if I'm not allowed to criticize certain groups then how will I have the same rights as those groups? As an example, if I had the belief that there should only be male and female genders and that any other gender, like trans-male for instance, should not be put into law (which I do not agree with, I am totally fine with anyone labeling themselves whatever they want), am I then not allowed to have this opinion? Is this opinion now just considered illegal? If I was a Trans person, would I be allowed to criticize my own beliefs? Or would I be charged under this act for 'inciting hatred'? If I wouldn't be charged because I am a Trans person then surely I have more rights than someone who isn't Trans? I can understand that you want to protect certain groups from abuse or harassment but surely in a free thinking society we should all be able to criticize any group we see fit, without having to worry about going to jail for just having an opinion. Within this bill it states "Lord Bracadale recommended that it was not necessary to create any new offence or statutory aggravation to tackle hostility towards a sectarian identity (insofar as that is different from hostility towards a religious or racial group) at this stage". How then can you possibly convict any person of hatred towards a religion if you won't even prosecute people for hatred towards Catholicism or for having any sort of Irish

roots? You have once again contradicted yourself here as you state at the start of this bill "creating new offences relating to stirring up hatred in Part 2 of the Bill that will apply in relation to all listed characteristics, including age, disability, race, religion, sexual orientation, transgender identity and variations in sex characteristics (existing offences, which these new offences largely replace, apply only in relation to race)". Just like with how Misogyny is considered a 'Hate Crime' under this bill but Misandry isn't. Does this mean that certain religions get special treatment under this new law? Does this mean that other religions like Islam for instance is now considered above Christianity and has special protections that Christianity won't get? A criticism that I bet many people have of Islam is that you are not allowed to drink alcohol whilst following this religion, does that mean that if I criticize Islam for that, that I am inciting hatred? But if I said 'I don't like Christianity because they don't want you to have sex before marriage', that is fine? I am personally not a religious person at all, if someone asked me why not, I would tell them various reasons like "I don't believe there is a god" or "I don't like that people have to follow certain rules to get into a 'heaven' ", are these beliefs considered hatred? This bill also breaches the 'Universal Declaration of Human Rights', which the UK has signed and is put into place by the United Nations. Article 19 states "Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers". Once again it clearly says that I have the right to hold and express any opinion that I wish. Doesn't matter what those beliefs are, I still have a right to hold and express them, passing this law strips me of said right and creates a scary precedence on Scottish Society of what else will I not be able to say in the future?

The term 'Hate Crime' as a whole, is a very 1984-esk phrase. The act of committing the crime of 'Hate' would seem to follow the crime, in that book, of 'Thoughtcrime'. The term doesn't even actually have a concrete definition and is so vague that nearly any crime committed could be considered a 'Hate Crime'. If I punch someone because they slept with my partner, is that assault or a Hate Crime? If I rob someone because I know that they're rich, is that theft or a Hate Crime? If I spray paint a big flag of an opposing political party on another political party's HQ, is that Graffiti or a Hate Crime? This phrase can only be judged from certain people's viewpoints and is completely down to perspective which should never be law in a courtroom. What's next? A law stating that Black and White people need to be seperated to protect Black people from potential racism? That is pretty obviously racism in itself, which I would consider this bill to be as well. Why do these groups need special protections? Everyone experiences some sort of abuse at some point in their life. Just because they belong to a certain group doesn't mean that they get special treatment. The Nazis did a very similar thing by stripping the rights of all the Jews in Germany and giving more rights to people who were White, German, Christians as they believed that Jews were inferior to the latter group. Seems to me that this bill is doing a similar thing by giving more rights to certain groups and taking away rights from others.

I'll boil this down to one argument here, If you had a disabled child and therefore needed to build a ramp to allow the child access to your home, does that mean that every house in Scotland needs to build a ramp in case this child wants to access someone else's home? Do people not have the right to stairs on their property? This bill has a very classroom mentality to it, where because one person did a bad thing, everyone else has to be punished for it. It's the equivalent to if one person committed suicide by jumping off a bridge then no one should be able to use that bridge any more.

I'll end this with a quote: "If liberty means anything at all, it means the right to tell people what they do not want to hear."- George Orwell

Thanks for reading, Fraser.

Fraser Yuill  
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