

JUSTICE COMMITTEE**HATE CRIME AND PUBLIC ORDER (SCOTLAND) BILL****SUBMISSION FROM JAMES HARRISON**

Hello,

I am writing to you, in order to have it heard that I [as a Scottish citizen, and a young person] am opposed to the implementation of the proposed 'Hate Crime and Public Order (Scotland) Bill'. The following text will state a number of reasons for this.

- The terminology used in the bill is purposely speculative. On more than one occasion the bill is directly quoted as stating that "stirring up hatred" will become an offence(s) under the new proposals, in both titles and in actual definitions of what will become an offence(s), should the bill in question be passed. I understand that this has been written with the purpose of covering a wide range of verbal or written insults to individuals or groups, however the primary concern with this phrasing is that it is by its very nature, vague. The result of this would mean while it can be used to fit the definition of a genuine hate crime, it can also too easily be used to apply to a situation where a hate crime has not been committed. It is my concern, based on the implementation of current hate crime laws in Scotland, that this will result in individuals who have not committed a hate crime, but have rather expressed a difference in opinion in a non-criminal manner to another individual/group, being subject to legal proceedings [and possible convictions] when it is not due.
- Section 37 of the bill in question states that a "standalone offence on misogyny" will be developed in accordance with a recommendation found within a report published by the First Minister's National Advisory Council on Women and Girls. (It is worth noting that the bill in question does not offer to explain exactly what said recommendation is, but solely rather that it exists.) A standalone offence on misogyny is not an issue, as it is well known that to act towards an individual or group in a particular manner of negativity in accordance with their sex is wrong. However, it appears that this is not realised by individuals responsible for contributing to the phrasing or overall objectives of the bill in question. If it was realised by those individuals, then an additional section on misandry would exist, with the ideal of seeking to protect men and boys from the same discrimination and prejudices (or similar where identical ideals are not applicable) that the bill in question seeks to protect women and girls from. This is most alarming when considering the manner in which modern societal attitudes perceive male rape, divorce, and domestic violence towards males (among many other examples of misandry, many of which are institutionalised). It is my personal concern that misandry is an issue which is not properly recognised in any form by the Scottish Government, based on the lack of representation expressed within the bill in question.
- It is stated in section 292 ('Human rights') that the bill in question is not in breach of Article 10 of the European Convention on Human Rights however this is untrue. The European Convention on Human Rights article 10:1 is quoted as "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." If an opinion expressed is determined by the bill in question to be of "hate speech", and legal proceedings [which of course is "public authority"] do take place against the individual expressing that opinion, then that will breach article 10:1. So, for the bill in question to take effect, the European Convention on Human Rights would need to, by the very nature of such text, be breached.

In relation to the above text, I would like to emphasise the term "hate speech" in this context and not merely a difference in opinion as the terminology surrounding definition of hate crime expressed within section 13 of the bill in question is quoted as stating "the term used to describe behaviour which is both criminal and rooted in prejudice." To determine what is and isn't "criminal" within the actual definition of a crime is something which is subjective. And it is also worth mentioning that most opinions are "rooted in prejudice" if you regard "prejudice" as a particular socio-political bias. So again, this phrasing can be contorted to apply to situations where no hate crime has in fact been committed. For example, stating a biological fact can indeed be labelled a "hate crime" against a transgender person(s) under the criteria outlined within the bill in question should the text be interpreted that way. This is an example of how the bill in question works against the progression of our society, hindering Scotland. We cannot work to eliminate facts, nor other people's opinions because they disagree with our own philosophies.

- It has become worryingly common in Scotland to see cases where Scottish judges will (in cases where the defendant has been shown beyond a reasonable doubt to be guilty) let sex offenders (inc. paedophiles) and other violent criminals go with very little, if any, punishment while the victim receives a life sentence so to say. However, we have seen cases where individuals who have stated a joke (not aimed at any particular person) or expressed an opinion not generally accepted by a given group of individuals, have faced legal proceedings brought against them, costing them employment opportunities and facing media backlash too. This is most unjust and unfair. It is not unreasonable to suggest that Scotland is in the process of becoming a safe haven for violent criminals as it appears to value fighting verbal remarks as a much more prominent issue than crimes of a violent and/or sexual nature. (Yes, I am aware that the bill in question seeks to address physical violence brought to an individual by effect of hate crime, however I am appealing to the philosophy expressed by the bill in question and its supporters that targets the oral aspect of a perceived hate crime under the bill in question.)

- The bill in question speaks on multiple occasions (most noteworthy in the 'Consultation' area of the bill, sections 84 and 85) of a group of individuals whose opinions were consulted in the phrasing and overall objectives of the bill in question. It is known beyond reasonable doubt that these individuals were of extreme political motivations, and a lack of action was made at this point to make it known to/invite individuals of opposing beliefs to be a part of the statistics listed in the bill in question. (Hence, the lack of representation of misandry in the bill in question, among other issues.)

Thank you,

James Harrison
08 July 2020