

## **JUSTICE COMMITTEE**

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

#### **SUBMISSION FROM STUART POWELL**

Thank you for the opportunity to comment on the above Bill.

I do not have a legal background but I do have a logical approach to introducing change that ordinary folk will understand. Abolishing the offence of blasphemy (which I understand to be about God) needs to make clear that the 'Gods' of those that are not Christian are similarly removed.

As I understand proposals, the Hate Crime and Public Order (Scotland) Bill proposes to abolish the offence of blasphemy but, at the same time, introducing a more far-ranging equivalent that seeks to protect new "sacred" beliefs. It is proposed to create new offences relating to: age as a new characteristic in connection with the aggravation of offences by prejudice under Part 1 of the Bill; and, stirring up hatred (in Part 2 of the Bill) that will apply in relation to all listed characteristics (including age, disability, religion, sexual orientation, transgender identity and variations in sex characteristics) (currently these offences only relate to race).

The Bill also proposes updating the definition of transgender identity in Parts 1 and 2 of the Bill, including removing the term 'intersexuality' and creating a separate category for variations in sex characteristics; and including a power to enable the characteristic of sex to be added to the lists of characteristics referred to in Parts 1 and 2 of the Bill by regulations at a later date, once the Bill has passed. Surely, characteristics of sex would be better defined in primary legislation rather than regulation.

Legislation for protected groups is covered elsewhere in legislation but disability is not well defined and often refers to physical disability. Given the precision for gender should there not be clarity for those with additional learning needs? Will provisions made by The Scottish Government and local authorities for those with additional learning needs (often referred to as learning disabilities) that are not equal to the broader population be found to be discriminatory? There is free personal care for those over 65 and moves to better integrate social care and health so that adult social care is free at the point of use in care homes for example but discrimination (by requiring a different financial contribution) for those in society with learning disabilities that are below the age of 65. Why is this legislation not removing this anomaly and will the practice of differential charging be seen as a hate crime and if not why not?

Stuart Powell  
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