

JUSTICE COMMITTEE

HATE CRIME AND PUBLIC ORDER (SCOTLAND) BILL

SUBMISSION FROM RORY FERGUS DUNCAN-GOODWILLIE

To Whom It May Concern,

I am writing with regard to the proposed Hate Crime and Public Order (Scotland) Bill.

It is my sincerely held belief that this legislation (nor any hate crime legislation more generally) is not in the public interest.

The issues with this bill are issues connected to all hate crime legislation across the world. It creates uneven legal terrain, protected classes of people, and is so broad that it could be interpreted in ways that may be exploited for malicious purposes.

For example: it is notable that "misogynistic harassment" is mentioned on the webpage for the Bill (<https://www.parliament.scot/parliamentarybusiness/CurrentCommittees/115038.aspx>) but not misandric harassment. As I mentioned previously, this creates uneven legal terrain between men and women. It is well-documented that a significant percentage of domestic violence is mutually reciprocated and men and women are equally capable of making defamatory remarks about each other. With this in mind, it is unclear why "misogynistic harassment" is mentioned so often.

Connected to this is the problem that the legislation creates protected classes of people. The reasons for this are understandable since some groups have been heavily discriminated against in the past. However, since the majority of the Scottish population embraces equal rights and equal opportunities under the law, it seems the idea of having protected classes of people largely conflicts with this more commonly held idea. For example: rather than increased sentences for assaulting a person based on sexual orientation (something that would be difficult to prove unless this was explicitly stated, it seems more reasonable to punish assaults against any person with equal severity. No one deserves to be assaulted and all lives have equal worth.

Lastly, elements of the legislation could be used maliciously to silence dissenting opinions. I refer to the proposed offence of "stirring up of hatred". An example of this would be the fact that the issue of transgenderism is far from settled by medical science and there can be severe consequences as a result of gender reassignment methods (eg. increased risk of cancer, etc). Bringing information like this to the attention of the public could be perceived by some as "stirring up of hatred". The Bill could theoretically be used to prevent such information from being released, even if it is in the public interest.

I would like to highlight that I understand the good intentions of the people behind this legislation. It is natural after how certain people have been treated in the past to want to stop the same issues from arising again but this Bill should not be part of how this is achieved.

I hope my submission will help promote a different way of thinking about this issue and prevent this Bill from being made law. I would be happy to publicly support this if asked by the relevant authorities.

Rory Fergus Duncan-Goodwillie
11 July 2020