

JUSTICE COMMITTEE

HATE CRIME AND PUBLIC ORDER (SCOTLAND) BILL

SUBMISSION FROM E MCCLURE

Response to the proposed new Hate Crime Bill

1. No I do not think there is a need for a new Bill.

There are laws already in place to deal with Hate Crime

2. No I do not think the hate crimes should be consolidated into one Bill.

Each crime should be dealt with as each is a unique crime.

3. Yes they should keep this to cover all the PCs in the 2010 EQA.

The Scottish Governments criteria: age, disability, religion, sexual orientation, transgender identity and variations in sex characteristics).

The 2010 Equality Act: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity, race, religion or belief, sex, sexual orientation.

Why are the Scottish Government's PCs different from the 2010 Equality Act, which is reserved and therefore cannot be altered by the Scottish Government?

Transgender identity is not a PC.

4. What age range would be included, how would you decide the crime was committed for age alone?
5. Sectarianism should be included.
6. No, absolutely not because what is 'stirring up hate'.

Who decides if hate has been stirred up? What criteria will be used? Will it be decided based on numbers saying it is or based on very specific written guidelines. This is open to malicious reporting. In the press at the moment, JK Rowling has been subjected to horrendous on line abuse because she believes that sex is binary. There has been pressures on her publishers to drop her. Gillian Phillip has been sacked by her publishers for merely adding 'I support JKR' hashtag to her user name.

Since Sex is not included in your proposed PCs but Transgender is, would this pile on of people accusing JKR of transphobia be classed as 'stirring up hate' and thus leading JKR to be charged?

Many research papers prove that sex is binary, a small number of DSDs don't change this definition.

It would be against my rights to force me or others to accept that the definition of sex has changed against all peer reviewed evidence.

7. Yes insulting should be removed. Abusive behaviour needs defined.
8. It is a human right to have freedom of speech. It seems that many people look to be insulted. This new Bill will be impossible to police. Too many would report people just if they don't like them or have fallen out with them.

It could be equated with McCarthyism, where people were reported as Communists because others wanted them to be removed from positions.

If I believe that sex is binary and say so, if I say that transwomen are transwomen but not women, also the same for men, would that constitute crimes under this new bill.

There will have to be detailed discussion on what constitutes hate.

9. Not sure
10. Blasphemy should be removed.

Elizabeth McClure
11 July 2020