

JUSTICE COMMITTEE

HATE CRIME AND PUBLIC ORDER (SCOTLAND) BILL

SUBMISSION FROM DAVID REECE

Stirring up offences

6. Do you have views on the merits of Part 2 of the Bill and the plans to introduce a new offence of stirring up of hatred?

Yes, it is completely and utterly subjective. If for example I ask a question about someone's transgender identity, in order to understand more fully, and perhaps show material to them which disagrees with what they believe, or at the very least puts forward alternative plausible ideas, and they take offence, might get me a criminal record. It's difficult to pin down a specific identifiable offence. If other people with me, are also sceptical and ask further questions then the person being asked might think the growing number of people now bringing forth questions on their very identity, is stirring up hatred. How does one properly tell. The burden of proof to great and murky.

There is no firm basis for this law to hang. Who decides whether someone is stirring up hatred, or just enquiring for understanding? By unintentionally causing offence, I can be prosecuted. It creates uncertainty and room for interpretation. This goes for any identity that someone has, which I might not be fully on board with.

Other issues

8. Do you have any comments on what should be covered by the 'protection of freedom of expression' provision in the Bill?

This bill does away with protections for freedom of expression, by its very existence.

Thanks for listening.

David.

David Reece
17 July 2020