

JUSTICE COMMITTEE

HATE CRIME AND PUBLIC ORDER (SCOTLAND) BILL

SUBMISSION FROM AMANDA OLIVER

I am writing with my thoughts on the Hate Crime and Public Order (Scotland) Bill

I understand the difficulty with existing fragmented and inconsistent legislation. This represents an opportunity to consolidate hate crime in one space.

There are two areas I would like to comment on

Firstly I am worried about the impact of the new offences related to 'stirring up hatred' on freedom of speech. How will people be protected from complaints from those who are offended, or those who interpret someone who holds different views from them as 'stirring up hatred'?

Secondly I have concerns relating to the inclusion of 'transgender identity' as one of the protected characteristics as related to the 'stirring up hatred' offence, whilst no similar provision exists for sex. I understand that this was considered. Some of the rights which transgender activists call for conflict with women's sex-based rights, Some examples include the right for transwomen to access female-only spaces such as refuges, rape centres, prisons, to compete in women's sports and be able to benefit from women-only prizes and shortlists. Under the new legislation, will it be a hate crime to point out that transgender rights often involve women giving up their rights? I note that the groups consulted with on transgender identity did not include women's groups. Was an equality impact assessment carried out to explore the impact of the legislation on women's freedom?

Thank you for listening to my concerns

Amanda Oliver
06 July 2020