

HATE CRIME AND PUBLIC ORDER (SCOTLAND) BILL

FREEDOM OF EXPRESSION AMENDMENTS

We are troubled that it has taken so long for these crucial amendments to be considered in this Bill. Cynically we are frightened that the Government is running the clock down and is looking for a botched compromise rather than a proper examination of the issues at stake.

As far as the proposals are concerned; Option One is the least worst. However, it does not cover all our concerns. At this stage we would draw the Committee's attention to a similar hate crime bill in Spain where the hanging of an effigy of the Deputy Prime Minister Carmen Calvo, who has defended women's rights, is not a hate crime.^[1] However, a renowned feminist campaigner, Lidia Falcon (85 years old and who was tortured by Franco) can be prosecuted under their hate crime law for campaigning for the rights of women as a sex class.^[2]

If this is what the Scottish Government want for women in Scotland, they need to state this on the face of the Bill. If not, they must incorporate definitions and protections.

As trans rights campaigner Debbie Hayton has written in the Spectator, women are being prosecuted under similar laws in Norway where "female rape" has increased by 300% but if women challenge male bodied people in women's spaces they fall foul of the law.^[3]

Women associated with For Women Scotland have engaged in the workshops and providing evidence and submissions on the Hate Crime Bill from the start. We have provided a huge body of evidence to suggest that campaigners, some closely allied to political parties are ready and waiting to use this law to persecute women. This has not been addressed.

No definitions have been provided on transgender identity, transphobia, non-binary or even sex. We have been fobbed off with vague assurances that the Justice Secretary is reluctant to write into the Bill. Our worst fears were realised when the incredibly benign amendments of Liam Kerr which stated, inter alia, that saying there were only two sexes should not be a hate crime were called shocking and transphobic by a political leader in the Scottish Parliament. Comments like this have increased rather than allayed our fears as did the extraordinary reluctance of the Justice Secretary to make a simple statement of scientific fact; we would like to know if he was worried of falling foul of his own proposed legislation.

At this point we think there are number of MSPs and Civil Servants who are frightened that they may be caught by this Bill and are not willing to commit to ensure it will even allow women to state their rights under UK and Equality Law.

It has been left to unfunded women's organisations to argue this in the face of appalling abuse, some from office bearers in the political parties. We note the expressions of fear made by MSPs at the last Committee meeting and the commitments to ensure open debate to be held. We call on Committee members to ensure that these protections are enshrined in law.

Meanwhile, representatives of funded lobby groups argue that "wrong pronouns" or referring to someone by an old name could be an act of hate. We would ask members of the Committee to consider if they would enforce compelled speech on abused women. If they would require a rape victim to call her attacker "she" or tell women abandoned or abused by a husband and a father that they are never allowed to call him by his name? Will they lock these women up?

These things have already happened to abused or assaulted women. Lobby groups in Scotland would make this worse. This has never been discussed in this Committee, it has never been considered by the Justice Secretary.

If this sounds angry, it is angry, and we are saying it now before we are criminalised for it.

For Women Scotland
21 February 2021

References

[1] https://twitter.com/carmencalvo_/status/1363089859968184326

Archive copy: <https://archive.vn/HLxnf>

[2] <https://www.spectator.co.uk/article/spain-s-transgender-wars-are-turning-nasty>

Archive copy: <https://archive.vn/NIOBp>

[3] <https://www.spectator.co.uk/article/does-the-snp-really-want-to-copy-norway-s-gender-revolution->

Archive copy: <https://archive.vn/vcOue>