

Petitioner submission of 12 November 2023

PE2047/B: Make malicious false allegations a hate crime

Below is my response to points made by the [Scottish Government in their submission](#).

1. *“- for the Scottish Government to consider legislation to ensure malicious false allegations are considered as a hate crime.”*

Experience has demonstrated that present hate crime legislation, protecting Scotland’s diversity, can be abused transforming malicious false allegations into serious criminal offences. Misuse of this legislation is a great disservice to those for whom it was set to protect. Something is amiss when legislation can be employed as a weapon against any person or organisation. It may demonstrate a weakness in that legislation. I believe that the legislation must be more inclusive, balanced, updated, made difficult to misuse or abuse. Appropriate penalties should be in place to discourage anyone from doing so.

2. *“falsely accusing someone of a crime can have a serious impact on the victim ... negative impact on the criminal justice system - ”*

Malicious false allegations devastate the lives of victims with long-lasting consequences. They have a corrosive effect on society, undermine our justice system and our respect for it. The expenditure from the public purse in court time and in Police Scotland investigations is incalculable. False allegations use up scarce resources, can hinder investigation of other cases, and stop prepared cases reaching court within a reasonable time frame. There are no winners in the malicious false allegation arena.

3. *“false allegations can be dealt with under existing and ... common law”*

It is clear to me that malicious false allegations cannot be dealt with under existing laws. They do not hold the gravitas, scope, or power to do so. My case stands testimony to this. It saw the involvement, over many years, of numerous police officers’ valuable time and investigative effort. All at a massive cost to the public purse.

4. *“... whether falsely accusing someone of a crime should be treated as a hate crime, ... definition of a hate crime... - crimes motivated by hatred or prejudice”*

It was the constrictive definition of a hate crime that led me to petition Parliament. To ensure equality and justice for all, the formal definition of hate crime must be widened, updated, secured, and clarified. Hate of any person is hate. Prejudice towards any particular feature of a victim's identity is prejudice. At the end of the day, malicious false allegations based on any kind of bias ensures that a victim's life is irretrievably changed. False allegations can be motivated by many things including personal dislike, hatred, a grudge, personal gain, revenge, by misogyny. A victim's identity is defined by who they are or choose to be. All citizens deserve to have their identities recognised and fully protected in law.

5. *“Within this definition..., the Scottish Government does not consider that malicious false allegations should in themselves be treated as a hate crime.”*

With respect I believe that definition must be expanded. Characteristics of victims can be used against them, including their sex, age, religion, marital status, race, sexual orientation, lifestyle. Anything seen as a “weakness” or vulnerability can be used.

Those who serve and administer the law appear to have “their hands tied” by a limited legislation. Our criminal justice system can neither protect victims with relevant legislation, nor prosecute offenders under the present hate crime legislation. If false allegations are motivated by any of the things stated and lead to life changing criminal charges, then they should be treated as hate crimes. Such crimes deserve to be recognised in updated legislation. If we are all equal under the law, then we must all be treated with equality.

I consider present legislation not fit for purpose and respectfully suggest that it becomes more well balanced for the sake of justice. Police Scotland and our courts need the power to deal with false allegations in a fitting manner.

6. *“...existing hate crime legislation can be used to add a statutory aggravation to general offences being prosecuted.”*

The key word is “existing.” In my experience existing legislation offers no protection to witnesses or victims. Indeed, it was the existing legislation that was used against me. It turned false allegations of crimes into serious false allegations demanding a prison sentence if found guilty.

The existing legislation was exploited, and my characteristics became “weaknesses” and were exploited.

I seek updated legislation to ensure that in future those making malicious false allegations are held to account. If found guilty the sentence should be in accord with updated hate crime legislation that protects victims and can deal with this type of crime.

7. “... *what amounts to a crime is always a matter for the independent police, prosecutors and courts*”

That crime is a personal viewpoint is an interesting and disturbing concept. This flexible interpretation of the law may be where the problem lies. Those who administer our laws, and police by our consent, are human. To assign such judgments to them without strong legislative guidelines is a demanding ask, leaving it open to their interpretation of the law and how they see events at a particular time.

In conclusion, victims of false allegations are often voices crying in the wilderness. Well, I, as victim, am shouting loud and clear from that place. False allegations under present hate crime law are weapons of mass destruction. Being bombarded with false accusations is a situation I wish on no one. Finding yourself in a jail cell because of them is a life changing experience I want no-one else to endure. If present hate crime legislation were updated, rules expanded, made clearer, those within the justice system and the public would be better served. Witnesses would feel confident in stepping forward. It would give voice and justice to victims. With the backing of stronger legislation many innocent lives would be spared years of misery, the public purse would be fuller, and the courts could deal with other pressing cases.

Hate crime legislation should offer protection to all citizens.

Please consider making malicious false allegations a hate crime.