

JUSTICE COMMITTEE

HATE CRIME AND PUBLIC ORDER (SCOTLAND) BILL

SUBMISSION FROM FREE CHURCH OF SCOTLAND (CONTINUING) PRESBYTERY OF SKYE & LOCHCARRON

Our Presbytery note the opportunity to present their views on the Hate Crime and Public Order (Scotland) Bill.

They wish to make a submission relating to **question 6** which seeks our views on the merits of Part 2 of the Bill and the plans to introduce a new offence of stirring up of hatred.

The Presbytery understand the duty of maintaining the safety of all our citizens which falls upon you as a legislative body but they are very concerned that this proposed legislation, in its current form could have serious and far reaching consequences for the work of the church and the civil liberties of the populace.

By their very nature religious beliefs and moral attitudes are areas of debate in which we can have vigorous discussion. This would be dramatically curtailed by these proposals. Whilst no Christian would ever condone threatening or abusive behaviour in the course of normal debate and conversation they could unwittingly find themselves in breach of the proposed legislation.

Any such legislation needs robust safeguards and, we understand, that the law as it presently covers England and Wales does have such safeguards. It is imperative that the Scottish legislation is afforded equal protection.

Under these proposals a sermon which spoke of the uniqueness of Christ as Saviour could fall foul of the law. References to wrong and sinful behaviour, on a wide array of topics, would be liable to sanction and the speaker prosecuted for stirring up hatred. There is a vast difference between someone who deliberately sets out to cause offence and stir up strife and those who defend and explain basic Biblical morality and truth. It is very serious to accuse someone of stirring up hatred and it must be clear that they are doing so deliberately.

Normal, healthy discussion between Christians and others whether in a church context, a social setting or even in the privacy of their own homes could lead a charge of threatening behaviour. Christians in public and even private settings would live in a climate of fear and every comment and reaction liable to serious consequences in a way more reminiscent of the totalitarian regimes of Eastern Europe than our nation with its historic freedoms. In a free society such discussion, exchange of views and defence of beliefs occur naturally every day of life. They are found in the church Bible study group and around the water cooler in the office. Legislation which could transform such conversations into legal minefields will have a dramatic and chilling effect. Do we really want modern Scotland to be a nation where ordinary Christian people live in fear of being charged with threatening and abusive behaviour simply for defending their beliefs or sharing their faith?

The freedom of speech clauses must be strengthened so that beliefs on moral issues and religious principles are explicitly covered and robust debate protected and not muzzled.

The Presbytery note the public comments by Mr Jim Sillars regarding this legislation and share his fears. They would ask the Justice Committee to take on board Mr. Sillars concerns.

The Presbytery hope that MSP's will seriously consider our concerns regarding the dangers of this Bill, give it close scrutiny, and amend it so that it will have less of a chilling effect on freedom of speech.

Free Church of Scotland (Continuing) Presbytery of Skye & Lochcarron
21 July 2020