

JUSTICE COMMITTEE

HATE CRIME AND PUBLIC ORDER (SCOTLAND) BILL

SUBMISSION FROM BANCHORY CHRISTIAN FELLOWSHIP CHURCH

I am writing on behalf of Banchory Christian Fellowship Church – an independent church consisting of approximately 90 members drawn from the Banchory area. We are writing in response to the call for views on the above Bill and would be grateful if the concerns raised here would be taken into account by the Committee.

A noble cause

The motivation behind this Bill is a good one. We affirm the need for any society to recognise the value of every one of its members and protect those members from being the target of abuse or attack in any way. Our conviction is that every human being has been created by God with inherent value, and therefore no member of our society should have to suffer the indignity of harassment or hateful speech.

However, our concern is that the Bill in its current format will do more harm than good. Part of recognising the value of every member of our society is granting them Freedom of Speech. We share the widespread concern already raised in many sectors of our society that this Bill is in danger of eroding this most fundamental of freedoms.

This Bill should present an opportunity for the Scottish Government to deliver a robust pronouncement on what Freedom of Speech is, and what it is not. Yet as it stands the Bill seems to be concerned with suppressing dissent on certain hot topics of the day, and as such will not stand the test of time.

Free Speech clauses

We are encouraged by the proposed Bill's inclusion of a free speech clause on religion but there are other clauses that also require inclusion. We note that there is no free speech clause specifically protecting disagreement on same sex marriage. Neither is there a free speech clause on transgender issues. It would be tragic if the outcome of this Bill was to bind the consciences of the population on issues around sexual ethics, or gender identity. We must not operate under the assumption that it is inconceivable for someone to change their mind in these areas of thought – and for that, Freedom of Speech matters.

This is especially concerning when it comes to children. Part of growing up is understanding and navigating the mixed and changeable feelings we can have about ourselves; many children find themselves confused about sexual orientation or gender. Suppressing free speech in these areas will hinder informed decision-making of parents and children, and potentially trap individuals in choices they are not yet mature enough to make. If parents, teachers or health professionals fear that questioning the permanence of a child's feelings (on sexual orientation or gender) might be construed as hate speech, then some will make harmful decisions because no one dared question the prevailing ideology.

We would therefore request that robust free speech clauses relating to sexual orientation and transgender issues be included in the Bill.

Vagueness opens the door to spurious accusations

We are concerned that the proposal to criminalise the likelihood of ‘stirring up hatred’ is far too vague in its terminology. When many are quick to label expressions of disagreement as ‘intolerance’ or ‘bigotry’ the law needs to be as clear as possible about how it defines ‘hatred’ and ‘stirring up.’ Unless there is specificity, this new law becomes overly subjective in its application and may simply serve as a tool for silencing those with unpopular opinions. This falls short of the goal suggested by Lord Bracadale’s review that the Bill should tackle rabble-rousing rather than act to stifle genuine debate.

We would urge the committee to address the Bill’s vague terminology lest Police Scotland face an increased case load of spurious, and politically motivated accusations of hate speech. Instead the Bill requires clarity to protect robust debate and allow for genuine disagreement.

Conclusion

We have no doubt that the Committee shares our conviction that the mark of a truly free society is the freedom to challenge and question any ideology. Such freedom to question and to dissent may cause ripples in our society and even make us uncomfortable at times, but that must not be mistaken for weakness. Such freedom for all is our strength. Therefore, we urge the committee to ensure that this Bill does not unwittingly weaken our society by failing to protect Freedom of Speech for all the citizens of Scotland.

Thank you for all your hard work as a Committee.

Banchory Christian Fellowship Church
24 July 2020