

JUSTICE COMMITTEE

HATE CRIME AND PUBLIC ORDER (SCOTLAND) BILL

SUBMISSION FROM TAIN AND FEARN FREE CHURCH OF SCOTLAND

The following response has been agreed by the 15 members of our leadership team, on behalf of our membership.

Dear Sir/Madam,

I write to express alarm about the above bill as we are concerned that it poses a serious threat to free speech and even the freedom to preach the Bible.

As Christians we would never condone hatred and we oppose any behaviour that is threatening. However, one of the terms used in the bill where it speaks of abusive behaviour make it much vaguer and more subjective. There is no requirement in the bill to show that there was an intention to stir up hatred, therefore a person could unwittingly do so.

We must as a nation protect the right to free speech and the right to disagree and robustly debate with those who have an opposing view to ourselves. Disagreement is not hatred by any means and there is a great danger that this bill will silence legitimate debate.

Lord Bracadale's independent review on Hate Crime, which has led to this bill, stressed the clear need for a distinction to be made between robust debate and stirring up hatred. This warning that he included, seems to have been ignored.

We are of the opinion that existing criminal law covers behaviour that is likely to cause fear and that there is no new law required. If there is to be a new law, it should only cover conduct that was clearly intended to stir up hatred.

The proposed free speech clause on sexual orientation must be added to also, to protect robust debate and people's right to state their beliefs about same sex marriage.

The bill must also protect a person's freedom so that no one is forced to use specific pronouns to describe a transgender person, if that were to go against their conscience or beliefs.

Finally, there must be additional protection for churches who promote the teachings of the Bible, and who highlight practices that the Bible says are wrong. They should be free to do so without fear that they may be subject to spurious claims that they are promoting hatred.

Rev Alasdair MacAulay
Tain and Fearn Free Church of Scotland.
19 July 2020