

JUSTICE COMMITTEE

HATE CRIME AND PUBLIC ORDER (SCOTLAND) BILL

SUBMISSION FROM THE GAIRLOCH, KINLOCHEWE AND TORRIDON (GKT)
FREE CHURCH OF SCOTLAND

Thank you for the opportunity of responding to the proposed Bill. We believe that any law passed should reflect the mind not only of elected representatives, but the mind of the people governed by the law, and we, as church members and citizens, are under the law of the land. The Apostle Paul writes in Romans 13. 1, 'Everyone must submit themselves to the governing authorities, for there is no authority except that which God has established'.

The main concern that we have in GKT Free Church is with Part 2 of the Bill. We firmly condemn hatred and abuse and wholeheartedly agree that there is no room for such in any society. We believe the Bible teaches us to love not to hate; to bring peace not abuse and harm; as much as is within us to live at peace with all people, not to be trouble makers or agitators and most certainly never to stir up hatred for anyone. And this is that concerns us; the Bill introduces the offence of stirring up hatred and in 3 (b) (ii) that offence would be committed if 'it is likely that hatred will be stirred up'. That is such a vague, subjective, and pliable term that we feel it could be used to criminalise almost everything spoken or written that causes offence to anyone who then deems it to be stirring up hatred against them. This is a huge concern for freedom of speech. We really must be free to disagree, dispute, and declare some things are wrong, without having to face being criminalised. We are not a dictatorship and we are not governed by a despot, but this feels like we are drifting into the realm of such.

Section 4 states that 'it is a defence for a person charged.....to show [the behaviour or material] was.... reasonable'. Again, the term 'reasonable' is so vague and subjective that considering the seriousness of the Bill this needs to be addressed.

We recognise the provisions for protection made under Sections 11 and 12 and we welcome these provisions. We note in Section 12 that there is no protection against disagreeing with or criticising same-sex marriage. This poses great concern because does that mean that if I as the Minister preached a message that defined and defended the Biblical viewpoint, might I be charged with committing a crime of stirring up hatred because this is not a protected issue? Would a member in the congregation who expressed a negative view about same-sex marriage face the same? It seems like it.

We note also there is no protection in Section 12 in relation to expression of views of transgender people. We recognise that there is a diagnosable 'gender dysphoria' condition for which those who suffer in this way have every sympathy, but as we see it as the Bill stands there is no protection for freedom of expression regarding transgenderism in general and practice. As the Bill stands that freedom is being removed and criminalised.

We believe that we live in a free society where we must be free to disagree and express our disagreement on every matter, including that of sexuality and that by so

doing this should never be equated with hatred or stirring up hatred because it simply and plainly is not the case. We recognise that there are those whose aim is to stir up hatred and fuel anger and resentment and encourage violence against people who are deemed to be different in some way than 'us', whatever 'us' means to someone. We absolutely reject that stance and behaviour and desire. We believe the Hate Crime and Public Order (Scotland) Bill does not advance the cause of freedom of speech at all and we believe that freedom of speech is a fundamental human right.

Thank you once again for the opportunity to express our views on these important matters, and we ever pray you will receive wisdom as the Bill is dealt with in its various stages of progress.

Yours faithfully

Rev Colin L. Macleod
Minister, Gairloch, Kinlochewe and Torridon Free Church of Scotland

20 July 2020