

JUSTICE COMMITTEE

HATE CRIME AND PUBLIC ORDER (SCOTLAND) BILL

SUBMISSION FROM LIVINGSTON ELIM PENTECOSTAL CHURCH

Dear Members of the Justice Committee

As Pastor of Livingston Elim Pentecostal Church, West Lothian, I write on behalf of the congregation to express our concern at the proposed Hate Crime and Public Order (Scotland) Bill. In particular, with reference to Questions 6 & 7 of the Call for Views, I wish to highlight aspects of Part 2 of the Bill which plans to see the introduction of the new offence of stirring up hatred.

As it stands, there already exists in criminal law sufficient safeguards to cover threatening or abusive behaviour that is likely to cause fear or alarm. The actual reality is that no new law is needed.

However, in relation to the proposed Bill, I have no issue with the removal of the blasphemy law but the proposed replacement by this hate crime legislation is something that gives genuine concern. As you are no doubt aware, this concern is shared by many across Scottish society from both religious and secular backgrounds.

With this Bill, there is a real risk of criminalising otherwise law-abiding people on the basis of an interpretation of what is "likely" to stir up hatred for a particular group. Who defines what is "likely" to stir up hatred? Indeed, the use of such subjective words as "likely" and "stir up" are problematic. Where is the objectivity and preciseness that characterises Scots law? It is very serious to accuse a person of stirring up hatred and any law must be crystal clear they were doing so deliberately. This Bill as it currently stands leaves that open to interpretation. In addition, any new legislation regarding stirring up hatred should only relate to conduct that is actually threatening. This is because words such as "abusive" or "insulting" are also subjective.

The vagueness of the proposals means the possibility exists that *unintentionally* a crime could be perceived to be committed by someone who has no wish of fomenting hatred. As a minister of religion who was born and brought up in Scotland and has lived here for 60 years, what if I want to argue on the basis of orthodox Christian faith that gender is not a social construct but a biological genetic reality? Will that be a hate crime because someone finds that threatening, abusive or insulting? What if I take issue with certain aspects of Islam that relate to the life of Mohammed and the Koran? Will that be a hate crime because someone finds that threatening, abusive or insulting? What if I express the view that abortion is immoral because it involves taking a human life? Will that be a hate crime because someone finds that threatening, abusive or insulting? What if I suggest the best model of parenthood is the heterosexual married couple? Will that be a hate crime because someone finds that threatening, abusive or insulting?

It is essential that in any democracy we have freedom of speech. People should be able to debate robustly, disagree strongly with, and have conversations - and even heated arguments - it does not necessarily follow that hatred is the result! People should be free

to strongly challenge religious beliefs – whether from a Christian, other religious, or an atheistic position. This Bill threatens to undermine people’s right to free speech by not affording sufficient protection to freely express what they believe.

On behalf of myself and my congregation, I would strongly urge you to reconsider these proposals for the reasons outlined above.

Yours faithfully

Kenny Gillies
Pastor

Livingston Elim Pentecostal Church
24 July 2020