

Justice Committee

Offensive Behaviour at Football and Threatening Communications (Scotland) Bill

Written submission from Inclusion Scotland

Background

Inclusion Scotland are a network of disabled people's organisations and individual disabled people. We are funded by Scottish Government to carry out engagement work with disabled people and ensure that they and their views are represented in the policy process.

The Offensive Behaviour at Football and Threatening Communications (Scotland) Bill makes mention of disabled people in Section 1 and seeks to protect them at football matches. We therefore believe that the views of disabled people are relevant and should inform the work of the Committee and the wider Parliament.

General Comments

Inclusion Scotland wishes to place on record that we agree with Government that there is a very serious issue with sectarian violence within football which needs to be addressed. We are therefore in broad agreement with the general intent of the proposed Bill. However we have very serious concerns with the Bill's proposed timetable and the extent of its coverage.

The timetable of the Bill is perhaps the cause of greatest concern. The Bill is to be considered in Committee and voted on within the next fortnight. The Justice Committee's own call for evidence sets a deadline of Friday (24th June) – just one week from our first sight of the Bill.

These timescales are wholly inadequate for Inclusion Scotland's membership, or indeed anyone else, to give proper consideration of the Bill's potential consequences – both positive and negative. It also does not allow us sufficient time to consult with our membership and gather detailed evidence from them (e.g. on incitement to hatred against disabled people perpetrated through social media and/or the internet) which could then be considered by the Committee.

Given that the Justice Committee will only be able to consider evidence on over a very short period there is little chance of the Committee hearing detailed oral evidence from either ourselves or wider civic society.

Inclusion Scotland believes that it is more important to take action and pass legislation which will successfully address the problem of sectarianism rather than to act in haste and perhaps adopt legislation which has serious flaws and thus unforeseen

consequences and outcomes. Therefore Inclusion Scotland believes that this bill needs proper consultation, scrutiny and debate within the Scottish Parliament and should not be fast-tracked.

Extent of Protection from Hatred offered by Bill

Inclusion Scotland wishes to welcome the Government's proposal (in Section 1 of the Bill) to extend protection from hatred at football matches beyond religious sectarianism and to include incitement on the grounds of race, disability, sexual orientation and transgender identity. We are therefore at a loss to understand why similar protection from incitement to hatred for these groups is not mirrored in Section 2 of the Bill

Section 2 of the Bill introduces a new offence of stirring up religious hatred, but there is no corresponding offence for other kinds of hatred such as disablist or sexual orientation hatred.

Yet Section 2 is being introduced specifically because existing laws are thought to be insufficient to deal with incitement to hatred carried out through social media. If this is the case then surely protection from hatred should be extended to all those groups who are currently covered by Offences Aggravated by prejudice legislation?

Not to extend protection to such groups seems illogical and moreover creates a hierarchy of Hate Crimes where religious sectarianism is dealt with more seriously and comprehensively than hate crimes directed against LGBT or disabled people.

When this issue was raised by ourselves and others at a Scottish Government involvement event for stakeholders we were told that the Government did not wish to proceed too quickly with extending coverage because this Bill was already a substantial extension of existing protection and 'there might be unforeseen consequences'! We were then told that if a case could be made then such protection might be extended at an unspecified later date. That is not really acceptable to the disabled people and their organisations which Inclusion Scotland represents.

Either the law needs to be updated because it has failed to keep pace with the use of social media or it does not. If it does need to be updated then we should take sufficient time to discuss who should receive protection and how this is to be achieved rather than prioritising one section of society (those with religious beliefs) over everyone else.

Research by the UK disability charity Scope¹ showed that disabled people throughout the UK face widespread casual and institutional disablism creating the conditions where disability hate crime can flourish without being recognised or challenged.

Despite a complete lack of official government data on the prevalence of hate crime against disabled people, research by a number of disability charities and disabled people's organisations shows that incidents of hate crime are widespread - disabled

people are four times more likely to be violently assaulted than non-disabled people and almost twice as likely to be burgled.

According to the report Hate crimes against disabled people are driven by the belief that disabled people are inferior; in some cases less than human and of no value to society. The research also showed that hate crimes against disabled people are rarely recognised by the police and criminal justice system, a fact which allows some perpetrators to “get away with murder”.

The situation has however deteriorated seriously since 2008. Disabled people believe that public attitudes towards them have worsened in the past year. According to research by Scope published in the last month –

- More than half (56%) of disabled people say they have experienced hostility, aggression or violence from a stranger because of their condition or impairment
- Half of disabled people say they experience discrimination on either a daily or weekly basis.
- More than a third (37%) said people’s attitudes towards them have got worse over the past year.
- 58% of people thought others did not believe that they were disabled and 50% of people said they felt others presumed they did not work.

Inclusion Scotland would agree with Richard Hawkes, chief executive of Scope, in believing that much of the increased hostility that disabled people face is due to the tenor of the Welfare Reform debate as conducted by politicians and its coverage in the tabloid press As Richard Hawkes pointed out -“...*much of the welfare reform debate has focused on disabled people as benefit scroungers, and many disabled people feel this has led to the public being more sceptical about disability issues and more hostile to those who receive welfare support.*”

Therefore we believe that the need to tackle disablist hate and incitement to hate on social media is a given and would ask that the Justice Committee, the Scottish Government and Parliament as a whole, should consider extending the incitement to hatred provisions in Section 2 (5) Condition B to provide for outlawing incitement to hatred against disabled people.

Conclusion

Inclusion Scotland would strongly urge the Justice Committee and Parliament to give proper time and consideration to the issues addressed in this Bill. It is vital that the legislation passed is fit for purpose and deals effectively with the important and long-standing problem that has until now festered at the heart of Scottish society. However

it is also vital that the proper balance is struck between societal condemnation of offensive behavior and individual liberties and free speech otherwise the legislation will quickly fall into disrepute as injustices occur.

1. "Getting away with Murder", published by Scope, 2008.
2. <http://www.scope.org.uk/news/attitudes-towards-disabled-people-survey>

Bill Scott
Manager, Inclusion Scotland
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