

Justice Committee

Offensive Behaviour at Football and Threatening Communications (Scotland) Bill

Written submission from Brian Taylor

I am interested in the **Offensive Behaviour at Football and Threatening Communications (Scotland) Bill** which is currently undergoing investigation by the Justice Committee. I would like to have a say and make a few points on the issue regarding football terrace songs, historic meanings in relation to Glasgow's two football clubs and beyond.

The measures being taken have been over reacted and unnecessary in modern society Scotland, the threat of sectarianism isn't what I would call a serious issue in fact more serious crimes, more serious points in Scotland have taken place in the month of June alone which I do not doubt the people of Scotland find more offensive more frightening and more alerting than what songs football supporters chant on the terracing or in pubs related to certain football clubs.

"The bill covers the stadiums to and from the match, covers local pubs showing football fixtures and the use of the internet in terms of hate"

I do believe that the question regarding football related bigotry has been blown out of proportion taking into account that the bill will see a rise of prison sentences from six months to five years given the circumstances for individuals caught in alleged sectarian manner, how the Scottish Parliament and MPs justify this legislation is beyond imagination.

I am not a person to be "in the know" of human right law but the basic of that right has been breached if this proposed bill is to take place - I quote Freedom of Speech-

Freedom of Speech

Article 10 protects your right to freedom of expression. This includes the right to hold and express opinions yourself as well as to receive and impart information and ideas to others.

Before the Human Rights Act came into force, the right to freedom of expression was a negative one: you were free to express yourself, unless the law otherwise prevented you from doing so. With the incorporation of the European Convention on Human Rights into English and Welsh domestic law, the right to freedom of expression is now expressly guaranteed.

*In Handyside v UK (1976) the ECHR stated that freedom of expression constituted one of the essential foundations of a democratic society and one of the basic conditions for its progress and development of every person. It also made clear that Article 10 applied not only to information or ideas that are favourable and inoffensive **but also to those that offend shock or disturb the State or a sector of the population.***

My personal point - the nature of the Old Firm Derby is unique, passionate, tension thriving and explosive and the only domestic fixture that brings Scotland into the light of European football, the Derby does top a few selected European Derbies which have a more serious turn of events off the field in countries like Italy, Germany or Serbia....but Scotland feels the need to clamp down on football tribalism in the old firm nature?.

A supporter calling another supporter of a rival team has it's meaning on the football terrace for every club, I give you the meaning of the word "Fenian" for instance - it relates to a movement dedicated to ending British rule in Ireland and the name of the movement was "United Irishmen 1798" were you can find the trace of the word Fenian now given the history of Scotland that thousands upon thousands of Irish (*large Majority of Catholic - also small percentage of Protestant*) immigrants fled the famine of the 1840s to settle in Scotland and world wide, the final result was the creation of Celtic football club by Priest Walfrid for charity and community passion in the time of poor housing estate's and poor living conditions in the 1800s. **In a football sense this is the image of identity for a Celtic supporter.**

"Orange" basic understanding of the word Orange means the Monarchy(King William the 3rd Prince of Orange) who maintained the throne of Great Britain to be ruled by a member of the reformed faith "Protestant", in 1872. Rangers were not founded on being a Protestant football club but for the love of the game itself but the founders were of Church of Scotland but as stated with no intentions of religion but the growing support hailed from the city and outskirts, also note that the time the city of Glasgow and Scotland itself was reformed faith dominating, when the foundation of Celtic came into place the Protestant community adopted Rangers as their club then officially both sides became the club that represented. **In a football sense this is the image of identity for a Rangers supporter.**

I personally enjoy the intense of the rivalry the history surrounding each club both in religious identification, football achievements and staunch supporting it is incredible to the naked eye and is Scotland's golden prize.

We all understand that both clubs are not fully supported by the religion which they represent, the commercial view of Rangers and Celtic are in parts of the world which I find remarkable, Azerbaijan, America, Canada and Australia and more world wide. Members from these countries come over to follow their respected teams. I personally have two companions from Germany and Netherlands and they sing songs of the club and enjoy it. Surely the Government must understand the meaning of the club to its supporters not just here in Scotland.

I quote former chief executive of the Scottish Football association Gordon Smith when discussing the issue of sectarianism – October 10th 2007 a piece taken from the statement.

Holding up Celtic as a contrast to Rangers, Smith goes on to expand on his belief that the Celtic Park club are given an easier ride than Rangers in the whole debate about football clubs, history and tradition.

“Celtic make a point of extolling their background and tradition,” Smith says. “They are quite happy to say that they have a tradition of Irish Catholicism, and that they are a club founded by Brother Walfrid and immigrants to this country. And I am very comfortable with that.

“But why is there a problem when Rangers come out and say similar things? Why is it a problem when Rangers come out and say they were set up by people from a Church of Scotland upbringing and that they have a Unionist background?”

In terms of sectarianism in football, Smith goes on to argue that there is an “oversensitivity” on some people’s part towards singing from the stand..

“The issue of sectarianism is topical again but we have to be careful we don’t become oversensitive to it all,” he says. “You simply can’t make laws or rules just because people say they are offended. Rangers fans sing God Save the Queen and Celtic fans boo it: does that mean the national anthem is offensive?”

I applaud Mr Smith on this fine piece of material and quite rightly so he outlined that the oversensitivity has breached its limit it just show’s that in the SFA (when Gordon Smith was an employee of the SFA) reality checks can happen and common sense prevails.

Onto the issue of common sense in regards to the Offensive Behaviour at Football and Threatening Communications (Scotland) Bill –

For example a young man/women with high expectations in life goes to a Rangers/Celtic v whoever fixture and sings songs in relation to the club’s background (*please make no mistake both clubs are steeped in religious/community heritage*) and is escorted out by police and charged with sectarian breach of the peace while inside the ground and may face an unlimited fine? 5 year jail sentence? And a fact that the career and expectations will be in tatters, while in my home town of Greenock we have had a knife crime situation which ended in murder of a 17 year old boy....similar to the knife crime in Airdrie another death on Scotland’s streets due to this horrible plague that we know as knife crime culture and we end in Pollock once again at the use of a knife? But so called sectarianism takes major priority? Also takes priority over job creation, drug addiction, homeless and other forms of uneasy life styles which Scotland needs to cope with.

Here are a few incidents that took place under the Scottish Nationalist Party Government which I found rather unsettling which did lead to conviction -

Social care worker found with two thousand child pornography images on his computer was jailed for twenty months but a Rangers fan can sing “No Pope of Rome or the Billy boys” and look at five years if convicted?

A juror who wrecked a 6 million drug trial by contacting the defendant was jailed for eight months.

But a Celtic supporter can sing “Boys of the Old Brigade” or the “soldier song” will face 5 years imprisonment if found guilty?

A teenage boy threatened two children age 11 with a knife was given six months detention.

But a Rangers fans singing "Rule Britannia or the famine song" will end up in court and a possible jail sentence of 5 years?

Heart of Midlothian midfielder Craig Thomson was convicted of preying on two young girls over the internet and fined £4000 plus placed on the sex offenders register but a Celtic supporter will sing The Celtic Way or Paddy McCourt's Fenian Army and will face 5 year jail time if convicted?

And all because the government claims a section of Scottish society may find them offensive that are coming from within the football arena while it also extends to local pubs showing the matches I am still in risk of jail if I was in with likeminded people? Therefore the next part was brought into question of being in a fellow football supporters club, due the supporter's club being a public house like normal pubs are accessible to the outside world those inside singing songs of pride or hate can also face football banning orders and fall under offensive categories?...am sorry but I cannot agree how this bill should be given the green light for proceeding into law.

As you may be aware I underlined the "sing/singing" - as at the end of the matter that is all it is.

Football is the working class sport and the national game of Europe (Scotland), the average worker does his given time Monday to Friday for long hours and pays to follow the team for the reason he/she chooses were it be local town, religion identification or success that the team has produced. The SNP needs to realise that this law will tackle behaviour which is normal at the football in terms of letting off stress of a hard week and joy and pride of the team and hatred of the rivals (under football banter), this is normal and not a threat to society in any given form as it takes place within the stadium.

Onto the issue of the internet, online privacy may be breached but common sense must follow that hatred of individuals, creating web pages in relation to hating a manager or a player or even a set of fans does not direct attack or insist of attack on the said above, I feel rather uneasy that I could say the wrong thing out of frustration and the possibility of my door going in to the sound of police forces? Or taken away during the day for questioning?

For example we all hate Neil Lennon, we all hate Walter Smith or we all hate Alex Ferguson does not trigger direct commandments to attack personally if seen in public.

Political interference should be kept away from football altogether, as far I as have thought about the main focus of this bill it will destroy lives in Scotland over singing of songs that have been sung over a long period of time (will go so far as saying since the first chant of the terracing became a reality) and not once affected anyone, And if the bill is enforced into law it could also –

- Destroy careers (by imprisonment unlawfully?)

- Destroy Peoples life styles (name published in papers and sacked from employment?)
- Destroy families across Scotland (the possibility of no father/mother – teenage/adult son or daughter in household because of five year prison sentence?)
- Fall in match attendances (the price of tickets is another matter, the fear of jail for supporting your team will be at a very high percentage? Strong possibility!)
- Fall in support of SNP – independence (already I have heard claims if this bill is passed people will not seek to vote for the SNP any further? Obviously this from local people who I know)

In light of last year's events surrounding football you cannot defend the actions of some, aka the attacker on Neil Lennon and the parcel bombers, but out of common sense that was not triggered by singing of anthems which will be targeted and those responsible jailed.

No one should attend a football match in fear but the SNP's anti sectarian bill will do just that as noted not even the MPs can define what is and what is not sectarian and given a confirmation from **Kenneth "Kenny" Wright MacAskill** claiming their will be no banned song list for any football ground in Scotland as it is up to the police force and courts to decide while confusion will be everywhere. This just proves that the bill was not thought through and gives the impression that it was forced upon without consideration.

For common sense, freedom of speech and human rights in Scotland - allow Rangers and Celtic to retain their ancient Identities of both Protestant and Catholic, allow supporters to sing of love of their side and hate of their rivals without fear as you need to remember football is passionate, love and tribal and Scotland's top two is no different. Governments across Europe wish to stop the violence but why stop the chanting of historic identity and the meaning of them in the process? Nothing is wrong with the song books if you give carefull study as to why they are sung .

I also applaud Neil Doncaster of the Scottish Football Association on stating worse happens elsewhere in Europe in regards to football related problems while in attendance to discuss the proposed bill.

For the sake of Scottish football, the old firm, its supporters and Scotland itself this legislation **must not pass** it is too extreme for society surrounding football.

Brian Taylor
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