Justice Committee

Offensive Behaviour at Football and Threatening Communications (Scotland) Bill

Written submission from Amnesty International

1. Amnesty International welcomes efforts to tackle the existence of sectarianism and intolerance in our society.

2. However we are concerned at what seems to be the elevation of religious hatred above other forms of discrimination. LGBT groups rightly point out the extent of homophobic abuse, including in the world of football, as illustrated by the fact that not a single one of Scotland’s professional footballers is openly gay. We already have laws against stirring up racial hatred, so if we are extending this regime to include religion then this should follow the model (supported by Amnesty International) used in recent hate crime legislation and include hatred against LGBT or disabled people.

3. And like many human rights issues this is a matter of balancing competing rights. Article 18 of the Universal Declaration of Human Rights guarantees “freedom of thought, conscience or religion” and Article 19 “freedom of opinion and expression”. Crucially these freedoms cover both the right to hold religious views and to be free of religious coercion, to promote religious ideas and to criticise them. It is no simple thing to say that the proposed defence of “reasonableness” will be a sufficient safeguard of freedom of expression, and we would have more confidence in an approach that explicitly reiterated the right to freedom of expression. This right is of course set out in the European Convention of Human Rights (Article 10)\(^1\) and other organisations have already threatened legal action against the legislation on this basis.

4. However it is incredibly difficult to have a meaningful impact on this type of behaviour through legislation alone and whilst legislation can ban certain behaviours only education can change fundamental attitudes towards others. Amnesty would therefore like to emphasise that a programme of human rights education is the only comprehensive way of changing attitudes towards any and all of the groups so frequently discriminated against in our society.

5. Human Rights Education is dedicated to promoting the human rights principles and positive value system that are set forth in the Universal Declaration of Human Rights. There are a number of key features that distinguish human rights education from simple awareness raising including:
   - **Timescale** – HRE is a longer term process.
   - **Deeper engagement** – HRE develops knowledge, skills and attitudes (not just imparting information). Awareness raising may be one step in an HRE process which would also give the individual the opportunity to reflect on the issues, discuss them and act on them.

---

\(^1\) [http://www.hri.org/docs/ECHR50.html](http://www.hri.org/docs/ECHR50.html)
• **Pedagogy (learning method)** – effective HRE uses participatory learning styles and critical thinking to enable people to engage with human rights. The way in which it is taught and the learning environment follows human rights principles.

• **Action-orientated** – Awareness raising may be geared towards action, but equally it may not. The goal of effective HRE is to lead to some sort of action by the recipient. It doesn’t, however specify the nature of the action – for example, it could be campaigning action, behavioural change, or fund-raising.

6. Amnesty International runs an ambitious programme of human rights education resources for use with school age children across the UK and the Republic of Ireland. By helping young children to understand their own human rights we aim to foster empathy, understanding, and tolerance for the rights, similarities and differences of others. A variety of educational resources encourage young people to imagine what it might be like to be someone else or to see the world through someone else’s eyes while at the same time helping the learner to understand how their own behaviour may impact upon lives and rights of others.

7. A prime example of where human rights education has been shown to have significant impact on the behaviour and attitudes of children towards others is the cross-border Lift Off project in Northern Ireland and the Republic of Ireland. Lift Off resources aim to develop empathy, communication, cooperation, respect and responsibility, and conflict resolution amongst primary school children as a means of countering religious sectarianism in the two countries. External evaluation of the project, launched in June 2011, highlighted repeated feedback from teachers that, pupils experiencing the Lift Off materials show notable change in their interpersonal behaviour, with greater respect and tolerance for each other.  

8. A similar approach has been taken to other forms of intolerance. Educational resources on LGBT rights explore issues relating to homophobic language, including homophobic rap lyrics, to discuss and debate the rights of sexual minorities, particularly when these rights may be perceived to come into conflict with those of others (for example, the right to free religious expression for those who fundamentally oppose homosexuality on the grounds of religious belief).

9. Traveller, Gypsy and Roma rights lessons explore conflicting views of land rights and aim to celebrate the different ways in which these communities have enriched UK culture to highlight and challenge the marginalisation and extreme levels of discrimination they often face.

10. And teacher-led discussions about the rights of refugees and asylum seekers set out to challenge prevailing myths about the conditions they are often forced to endure and the ongoing discrimination they continue to face.


3 External evaluation report available on request


11. Based on our experience, therefore, we conclude that the best means of achieving the stated aims of the Bill is to ensure that any legislative change reflects the experience of the full range of equalities groups, and is supported by a comprehensive programme of human rights education, ensuring that every child in Scotland has the opportunity to learn respect and tolerance for others.

John Watson
Programme Director, Scotland
4 August 2011