

## Justice Committee

### Offensive Behaviour at Football and Threatening Communications (Scotland) Bill

#### Written submission from Church and Society Council of the Church of Scotland and Faith in Community Scotland

1. The Church of Scotland and Faith in Community Scotland recognise the seriousness of the problem of sectarianism in our communities today and are absolutely committed to challenging it locally and nationally. Since 2002<sup>1</sup> the Kirk has focussed on the effectiveness, and therefore the importance, of work undertaken at local level. This evidence is presented from the perspective of our local experience.
2. The Church and Society Council of the Church of Scotland and Faith in Community Scotland welcome the introduction of specific offences relating to religious hatred and sectarianism at football. However, we urge caution about proceeding with legislation ahead of designing and consulting on a wider programme of work to tackle sectarianism of which this legislation can only be one part.
3. The consultation meeting focused on issues relating to religious hatred. The Church and Society Council of the Church of Scotland and Faith in Community Scotland would also like to take this opportunity to welcome the fact that the offence of offensive behaviour at football includes hatred based on colour, race, nationality (including citizenship), ethnic or national origins, sexual orientation, transgender identity and disability.
4. The submission covers 3 areas:
  - Work done by churches to tackle religious hatred and sectarianism at local level;
  - potential consequences of the proposals in the Bill; and
  - other factors which should be considered when addressing sectarianism.

#### Work done by churches to tackle religious hatred and sectarianism at local level

5. The Church and Society Council gave oral evidence to the Justice Committee on 22 June 2011. The evidence emphasised the importance of allowing time and using transparent processes to enable communities to be an active part of discussions on how to tackle sectarianism. The Council is pleased that the First Minister listened to public opinion and extended the consultation period on the Bill. This extra time has been used to provide information on the Bill and Parliamentary process to churches and faith communities who are working to tackle religious hatred and sectarianism at a local level. We regret that the extended consultation period was still only 2 months in length rather than the usual 3 months and took place across the summer holiday period; this meant that individuals and organisations who may have wished to participate were unable to do so. Nevertheless, on 11 August the Church and Society Council and Faith and

---

<sup>1</sup> Report of the Church and Nation Committee to the General Assembly of the Church of Scotland, 2002. Available on request from [churchandsociety@cofscotland.org.uk](mailto:churchandsociety@cofscotland.org.uk)

Community Scotland held a joint consultation meeting with 6 churches and community projects, and an additional written contribution was also received.

6. The consultation meeting explored the impact of participants' work on sectarianism and religious hatred and the implications of these experiences for the new offences in the Bill. In the course of the meeting participants identified a number of themes which ran through successful community projects. All of the projects are based on building personal relationships and breaking down barriers. Many projects focus on young people, including working in non-denominational and Roman Catholic Schools and arranging joint activities for the young people. One of the reported outcomes of this is the creation of a sense of identity which was about a shared place of residence and a sense of inclusion in the community. This was perceived by the group as an important contrast to formation of identity through association with some of the more negative aspects of behaviour relating to football. It is felt that there is a clear role for churches of different denominations to be seen working together in their communities and there is a strong commitment to partnership work in order to achieve this unity. Some participants are also working with other faiths to address tensions between different communities.

7. Participants discussed some of the barriers to tackling sectarianism. Many said that there are barriers within their own communities and congregations; there can often be a difference between peoples' lived experience and their wider opinions. For example a person may like their son's girlfriend who is Catholic but may still make offensive comments about Catholics in general. There may also be an unwillingness to work with certain groups, which the people involved do not perceive as a sectarian attitude – this can lead to the perception that sectarianism has decreased although relationships between communities and behaviours have not necessarily improved. One participant spoke of the fact that although relationships were regarded as positive, joint working was nonetheless viewed suspiciously. There was some concern that as "sectarianism" becomes the subject of more public debate and censure the tensions between communities and within communities would be expressed in different ways rather than be reduced. This emphasises that the long term solution requires a change of heart and a change of deep rooted belief that legislation itself cannot bring about. Building and maintaining good relationships in order to break down barriers is likely to be far more effective than legislation tackling certain aspects of public behaviour.

### **What are the potential consequences of the Bill as proposed?**

8. The intentions of the two offences in the Bill are different. The discussion at our consultation meeting focussed on the first offence of offensive behaviour at football and explored firstly whether the possibility of being convicted for an offence which included incitement to religious hatred would be a deterrent, and secondly whether conviction for such an offence would create stigma. Participants' views were mixed. Some shared stories about individuals who behave offensively at football matches when those same individuals would never behave in that manner in their professional lives. In this scenario there was a lot of support for making a clear statement that such language and behaviour was unacceptable, and illegal, wherever it took place, and that football matches were no exception. It was suggested that most people choose to exercise self

control in public and it would be beneficial to formalise the position that society expects people to exercise self control when at football matches.

9. However, for others in the group these provisions were concerning. It was suggested that in some communities where identity was related to hatred of those who were seen as different then conviction of a sectarian offence could be seen as a badge of honour. There was serious concern that labelling a person in this way would have the negative effect of pushing them further into a culture of hatred or violence rather than deter them from unacceptable behaviour. If this were to happen then incidents that are seen as unusual and shocking today could become the normal behaviour of tomorrow.

10. The experiences of people working to address issues of religious hatred and sectarian behaviour suggest that these provisions could have drastically different outcomes when applied to different social groups. It is possible that using this legislation to tackle a specific aspect of sectarian behaviour will simply displace the problem. If this happens then it is crucial that the Government puts in place other mechanisms to tackle sectarianism and religious hatred alongside this legislation. However, there was consensus that it is important to name the problem as sectarianism so that individuals are challenged to think about their own behaviour.

11. In view these different experiences we would encourage the Justice Committee to consider hate crime legislation in the UK and around the world and assess the consequences of the introduction of such legislation.

12. In her evidence to the Justice Committee the Minister for Community Safety and Legal Affairs acknowledged that sectarianism is not confined to football and that the Bill would be part of a wider programme of work to root out the problem. However, she reiterated that the Bill is a vital first step. We disagree. If legislative change is part of the solution then it must be seen in the context of this wider programme of work. We must understand how the Government proposes to support communities in the work they are already doing and what leadership the Government is offering; only then should decisions be taken as to what legislative support is required. This Bill goes far beyond tackling sectarian behaviour at football without addressing the real experiences of sectarianism in other parts of society. The Bill will do nothing to reduce sectarianism unless it is part of wider work.

**13. What other factors should the Government address in relation to sectarianism?**

- a. The most important mechanism for reducing sectarianism is to resource work at local level and we call on the Government to make funding available for projects of the kind outlined in this response. The Church of Scotland and Faith in Community Scotland would be happy to work with the Government and with other partners in the development, delivery and evaluation of such funding.

- b. The Church of Scotland and Faith in Community Scotland<sup>2</sup> acknowledge and have campaigned about the negative impact which excessive alcohol consumption has on Scottish society and would like to see links between anti-sectarian policy and alcohol policy strengthened.
- c. It is noted that reported incidences of domestic abuse increase on Old Firm match days and therefore would welcome the recommendation of the Joint Action Group that the Scottish Government commissions academic research into the relationship between football and domestic abuse in Scotland.

### **Implications for freedom of speech**

14. During the initial considerations of this Bill concerns were raised about whether the threatening communications offences in the Bill would have the unintended consequence of limiting freedom of speech and religious expression. The Church and Society Council of the Church of Scotland will discuss this issue at the full meeting of the Council on 8 September 2011. A further statement may be made after that meeting.

Church and Society Council of the Church of Scotland and Faith in Community Scotland  
25 August 2011

---

<sup>2</sup> The Church of Scotland the Poverty Truth Commission (supported by Faith in Community Scotland) submitted evidence to the Health and Sport Committee on the Alcohol etc. (Scotland) Bill (SP Bill 34)