

Justice Committee

Offensive Behaviour at Football and Threatening Communications (Scotland) Bill

Written submission from the Scottish Youth Parliament

Background to SYP

Our vision is of a stronger, more inclusive Scotland that empowers young people by truly involving them in the decision-making process.

The Scottish Youth Parliament (SYP) is democratically elected to represent Scotland's youth. We listen to young people, recognise the issues that are most important to them, and ensure that their voices are heard.

In working towards our aims, we support the following values:

Democracy – All of our plans and activities are youth-led, and we are accountable to young people aged 14-25. Our democratic structure, and the scale of direct participation across Scotland, gives us strength and sets us apart from other organisations.

Inclusion – We are committed to being truly inclusive. The Scottish Youth Parliament believes that all young people have a right to a voice, it doesn't matter who we are or where we come from. We celebrate our diversity.

Political independence – We are independent from political parties. Only by working with all legitimate political parties can we make progress on the policies that are important to young people.

Passion – We believe that drive and energy are key to successful campaigning. We are passionate about the key issues and believe that young people are part of the solution, not the problem.

Introduction and context of response

The Scottish Youth Parliament welcomes the opportunity to respond to the Bill. As an organisation, the SYP is a fierce advocate of equality and proudly celebrates the diversity of our membership and the young people of Scotland.

One of the statements included in the SYP's 'Change the Picture' Youth Manifesto is that **"Sectarianism in any form should not be tolerated and every young person in Scotland has the right to live without bigotry. We believe that part of the solution lies in the education of young people together regardless of their faith."** This is based entirely on the views of young people – almost 43,000 responses from young people were received in a mass consultation, 'Picture the Change' which directly asked young people whether they agreed with the proposed manifesto statements. 79% of young people consulted agreed with the statement, which is now firmly in the Manifesto and together with the other statements included

within collectively forms the basis of SYP's policy and campaigning work. More information on 'Change the Picture' can be found at www.syp.org.uk/our-manifesto-W21page-82-

Coinciding with the initial publication of the Offensive Behaviour at Football and Threatening Communications (Scotland) Bill, the SYP met with the Scottish Government with a view to engaging with young people in the short term, on an issue which is of concern to many, with the potential of longer-term, sustained engagement between the Government, SYP and other organisations from the youth sector.

To allow for an immediate engagement with young people, the SYP put together a five-question survey. Sixty-five MSYPs, aged between 14 and 25, from across Scotland, participated in the survey during the June 2011 SYP Sitting in Stirling; with a further 34 young people consulted at another event in Glasgow's East End the following day through Young Scot. The results were shared with the Scottish Government to inform what was at that point intended as emergency legislation. The results of the survey are reproduced in this response together with additional comments, issues and concerns raised by young people taking part in the survey and subsequently.

'Tackling Sectarianism' Young People's Survey Results

The survey results were as follows:

On a scale of 1 to 5, how big a problem do you think sectarianism is?			
<i>91 votes</i>	<i>SYP Sitting (%)</i>	<i>East End (%)</i>	<i>Overall (%)</i>
1 (Smallest)	0	0	0
2	4.6	3.8	4.4
3	24.6	30.8	26.4
4	52.3	11.5	40.7
5 (Biggest)	24.5	41.2	31.3

Have you ever experienced sectarianism first-hand?			
<i>82 votes</i>	<i>SYP Sitting (%)</i>	<i>East End (%)</i>	<i>Overall (%)</i>
Yes	43.6	77.8	54.9
No	50.9	22.2	41.5
Don't Know	5.5	0.0	3.7

If you have experienced sectarianism, has this been related to any of the following?			
<i>83 votes</i>	<i>SYP Sitting (%)</i>	<i>East End (%)</i>	<i>Overall (%)</i>
Football Match	53.1	64.7	57.8
March/Parade	26.5	23.5	25.3
Pub/Club	20.4	11.8	16.9

Do you think the Government should introduce new legislation to tackle sectarianism?

87 votes	SYP Sitting (%)	East End (%)	Overall (%)
Yes	88.7	88.0	88.5
No	6.5	8.0	6.9
Don't Know	4.8	4.0	4.6

One of the big concerns is people making threats and promoting hatred through text messages and social networking. Do you think this sort of behaviour should be made illegal?

88 votes	SYP Sitting (%)	East End (%)	Overall (%)
Yes	69.8	80.0	72.7
No	25.4	12.0	21.6
Don't Know	4.8	8.0	5.7

Perceptions of sectarianism and sectarian behaviour

Whilst the results of the survey and response from 'Picture the Change' show a clear belief amongst young people that sectarianism is a issue and a priority for action, a number of young people were not immediately aware of what sectarianism was without further explanation, especially those from rural and island areas of Scotland. We found this to be the case both at the SYP Sitting and some of the 'Picture the Change' consultation events.

At the East End event, some young people did not always identify some of the behaviour associated with football as sectarian, or at least not always as negative. Additionally, in relation to first-hand experience of sectarianism, it is likely that the figures reflect the geographic spread of young people involved in the Scottish Youth Parliament, in comparison to the proximity of the East End group to a 'hot-spot' area.

Online harassment

Though there was strong support for the introduction of legislation to tackle online harassment, concern was expressed about how this could be done effectively (especially amongst those at the SYP Sitting). Young people were concerned as to definitions of unacceptable behaviour and felt this could be a potential 'mine-field'. It was believed that clarity was essential, however difficult this would be to achieve.

One participant in particular was of the opinion that *"any law against [sectarian behaviour] should draw the line at infringing on people's civil liberties. People should only be charged under that proposed legislation if they're actually conducting sectarian attacks on a particular person, not if they just go and say 'I hate all Catholics' or something along those lines on Facebook. As nasty and stupid as that is, arresting someone for it is rather draconian."*

Whilst essential that the law reflects changing methods of communication and offers appropriate protection against threats, bullying and harassment online, we would recommend further guidance is produced on what is liable to be prosecuted under the new legislation, to ensure clarity on what is likely to be prosecuted as a breach of the law. For instance, if an individual were to 'like' a comment that broke the law on

Facebook, or 'retweeted' an offensive message on Twitter, would they be also subject to prosecution? Additionally, as in the example raised above, would prosecutions be pursued against people making general hateful comments, or would it be reserved for specific threats against individuals?

Coverage of other hate crimes

Whilst the initial focus of the Bill and our survey with young people was on tackling sectarian and related behaviour in response to high profile incidents during the 2010-11 football season, there may be scope to include other hate crimes within the scope of the legislation. Another of the statements from 'Change the Picture' is "**There should be increased LGBT education and information in all schools to reduce stigma and homophobic bullying**", with 71% of those consulted in agreement. Consideration should be given to whether the Bill can be used to give equivalent protection to individuals subjected to online harassment motivated by prejudice on the grounds of disability, sexual orientation, transgender identity, race, religion and age and we would encourage the Scottish Government to make enforce existing legislation that is already in place to fight sectarianism and other hate crimes.

Conclusion and recommendations

Tackling sectarian and related offensive behaviour is a concern and viewed as a priority for action by young people. In that light the Scottish Youth Parliament supports the introduction of new legislation designed to tackle sectarianism and the principles of the Offensive Behaviour at Football and Threatening Communications (Scotland) Bill. However, with regard to online harassment and threats, we would welcome the production of guidance to clarify the scope and extent of the law and what actions are liable to face prosecution.

Additionally, clarification of whether the scope of the legislation extends, or could extend, to protection of online harassment motivated by prejudice would be welcomed, as the Bill represents an opportunity to address incidents of bullying and threatening behaviour online.

Whilst the Bill is a positive step towards tackling sectarian behaviour in the context of football matches and threats made online, the problems associated with sectarianism are complex and deep-rooted and must be the target of sustained action by the Scottish Government and Parliament to address the root causes. The Scottish Youth Parliament would welcome any opportunity to work together with decision-makers to tackle the underlying causes of sectarian behaviour in Scotland.

Scottish Youth Parliament
26 August 2011