Justice Committee

Offensive Behaviour at Football and Threatening Communications (Scotland) Bill

Written submission from Supporters Direct Scotland

1. Supporters Direct Scotland is the national organisation representing football supporters' trusts in Scotland. Supporters' trusts are community benefit co-operatives that seek to bring together responsible football supporters to collectively have a say in the running of the football club they support.

2. Our goal is to promote sustainable spectator sports clubs based on supporters' involvement and community ownership. We represent 33 supporters trusts with an approximate membership of 15,000 individuals in Scotland and other parts of the organisation operate in the rest of the UK and across mainland Europe.

3. The speed with which the proposed legislation has been drafted gives us cause for concern so we welcome the extended time-scale and opportunity for wider debate which we feel will result in a better outcome.

4. Football supporters are already subject to legislation that defines how they can watch their chosen sport. In some cases there are restrictions in the way facilities are used for football matches while followers of other sports using the same facilities are not subject to the same restrictions. This has helped to contribute to a prevailing view that followers of football are more likely to be involved in anti-social or offensive behaviour even though evidence for such a view is not clear.

5. In this respect the legislation as proposed only helps to reinforce this stereotype and would potentially put further restrictions on how football supporters go about enjoying the sport.

6. It particular it appears unreasonable to make certain actions illegal in the context of a regulated football match when the same actions apparently would be acceptable in other public situations, such as going the cinema or attending the theatre.

7. Although we recognise that there are issues about behaviour at and around football matches we are not convinced that the size of the problem has been properly measured or that the evidence exists that these problems will be addressed by this legislation. Those supporters who have been involved in the game since the 1970s and 80s recognise that behaviour at matches has improved out of all recognition and question whether new legislation is required when existing measures have been successful.

8. We believe that the issues this legislation seeks to address are adequately covered by existing legislation and we are not convinced that the measures outlined are clear enough to define the behaviour from which people should refrain. In our research into the behaviour of supporters at football matches people felt confident challenging racist behaviour due to the clear definition and understanding that they
would be supported by fellow supporters, stewards and the police. They expressed that they would be much less likely to challenge other behaviour where they believed that the issue was not as well defined and where they could not be sure of receiving the same level of support. The unintended consequence of the proposed legislation therefore may be a reduction in the aspects of self-policing that have undoubtedly led to the improvement in behaviour over the last 30 years.

9. The events of the last football season have demonstrated that there are issues still to be addressed. However while they may manifest themselves at football matches these are societal problems which go much deeper than football. If we are serious about addressing these problems then we should be serious about the engaging with people and using the full range of solutions rather than simply trying to address them within the football context.

10. The Bill as drafted sets up a number of problems for the authorities, clubs, police, stewards and supporters in that there is no definition of the sectarian behaviour it seeks to address – this increases the chances of inconsistency of application and has the potential to lead to flashpoints within the stadia when action is taken to deal with those who are viewed as indulging in unacceptable behaviour.

11. While there are concerns over many aspects of the Bill the second section concerning Threatening Communications may help to address some emerging problems with online media particularly given how technology has developed in recent years.

12. Aside from the high-profile cases we are aware of people involved in football who have received personal abuse, violent threats and had personal details published online. We take the view that this will dissuade some people from becoming more involved in their club and of being willing to offer their voluntary time. If the part of the Bill addressing online communications can help curb the worst excesses of this and send a message that it will be policed robustly then it would be welcomed by many supporters. However we recognise the difficulty of trying to police the internet and would not want to see this used to curb genuine discussion among people online.

13. As others have noted it is not clear why the types of offensive behaviour as described in the first part of the Bill also are not addressed in regard to Threatening Communications.

14. We would also make the observation that the Bill does not include discrimination on the grounds of gender as an offence.

Supporters Direct Scotland
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