

Justice Committee

Offensive Behaviour at Football and Threatening Communications (Scotland) Bill

Written submission from the Evangelical Alliance Scotland

1. Introduction

1.1 The Evangelical Alliance Scotland is the largest body serving evangelical Christians in Scotland and has a membership including denominations, churches, organisations and individuals. Across the UK, Evangelical Alliance memberships includes over 700 organisations, 3500 churches and thousands of individuals. In Scotland many church and individual members of the Evangelical Alliance are Church of Scotland. The mission of the Evangelical Alliance Scotland is to unite evangelicals to present Christ credibly as good news for spiritual and social transformation. We firmly believe in a pro-community agenda with tolerance and respect at the forefront of a transforming culture.

1.2 The Evangelical Alliance Scotland welcomes the opportunity to respond to this consultation document and was encouraged that the Scottish Government decided to abandon their plans to push the legislation through before the summer recess and instead allow for greater consultation and scrutiny through a lengthened legislative process. As a membership organisation we would seek to draw attention to responses from member organisations such as CARE for Scotland.

1.3 Our response looks at two specific areas of concern within the Bill; firstly it's overall remit and aims and secondly its implications for the infringement on freedom of speech and expression.

2. Intended Remit of the Bill

2.1 The Evangelical Alliance applauds and welcomes the aims of this Bill as set out in the Scottish Government Policy Memorandum which states:

“2. The objective of the Bill is to tackle sectarianism by preventing offensive and threatening behaviour related to football matches and preventing the communication of threatening material”

2.2 But we are concerned that the Bill goes far beyond its intended remit and objectives to tackle sectarianism, widely understood to mean tensions between Protestant and Catholic Christians, within football. While we understand a need to strengthen the law to criminalise “threatening” and/or offensive behaviour at football matches, the Government should be asked to clarify that the stated aims of the Bill are proportional to its actual content and probable future use in law. This is particularly important as the Bill's broad remit might have future unintended consequences which have no relation to sectarianism and/or football.

2.3 Firstly, Section 1 (2) widens to cover expressing hatred or stirring up hatred, not just in terms of a religious group or affiliation, but also includes other groups such as colour, ethnic origin, race and sexual orientation.

2.4 Secondly, the two conditions for a person to commit an offence in Section 5 require no connection with Scottish football at all and therefore could be used in numerous scenarios and situations which have no relationship or connection to Scottish football.

2.5 Thirdly Condition A in Section 5 is satisfied without any connection to religious or other hatred.

2.6 We would encourage the Committee to thoroughly investigate whether the Government and the Police envisage the laws within this Bill to be used in circumstances with no connection to football and/or religious hatred. If this is likely the Government need to communicate that the Bill will do much more than simply tackling sectarianism.

3. Implications for freedom of speech and expression.

3.1 We do not believe that appropriate safe guards are in place to protect freedoms of religion, expression and assembly (within Articles 9, 10 and 11 of the European Convention on Human Rights) which could be infringed by the offences under Section 2(3) and Section 5.

3.2 The objectivity and proportionality required to decide whether Conditions A + B of Section 5 have been filled could have unintended consequences through misinterpretation and misunderstanding of a particular piece of material which some might deem as offensive or threatening, while others might deem reasonable (Section 5 (6)).

3.3 It will also be very difficult to understand and interpret the intention of any material communicated or whether it was communicated with recklessness and therefore judge accordingly.

3.4 The Evangelical Alliance recommends that a clause be included within the bill that will sufficiently protect and safeguard the freedoms of religion, expression and assembly included in Articles 9, 10 and 11 of the European Convention on Human Rights. This clause should provide protection for firstly, the right to proselytise or urge those of a different religion or belief to change their religion or beliefs and secondly the right to express disagreement or dislike of a particular religion or belief and its practice. We are very concerned that the Bill, as it currently stands, in its use could easily infringe upon these rights.

4. A sunset clause

4.1 We would highly recommend that the Parliament include a sunset clause within the Bill so that the Parliament has a chance at a future date to decide upon the merits and effectiveness of the Bill and whether it is fulfilled its stated aims.

5. We would be happy to give oral evidence to provide clarity on any of these issues raised.

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