

Justice Committee

Offensive Behaviour at Football and Threatening Communications (Scotland) Bill

Written submission from the Coalition for Racial Equality and Rights

Introduction

The Coalition for Racial Equality and Rights (CRER) (formerly known as the Glasgow Anti Racist Alliance) is Scotland's leading think-tank on race and equality issues. Taking a rights-based approach, we are especially interested in promoting all the relevant international, regional and national human rights and equality conventions and pieces of legislation.

We welcome the opportunity to comment on the Offensive Behaviour at Football and Threatening Communications (Scotland) Bill. CRER fully welcomes and supports any initiative or intervention that prevents hatred or discrimination against any peoples of a particular culture, ethnicity or race. So while in principle we support the proposed Bill and its objective 'to help make Scotland safer and stronger, and contribute to tackling inequalities in Scottish society' (as stated in the Bill's Equality Impact Assessment), we would like to express serious concerns at the potential duplication of legislation this bill may create, and its limited impact outwith the footballing arena.

Duplication

The test of any legislation is whether it will achieve better overall outcomes than the current legislative framework already in place. Although it is commendable that Ministers are sending out a categorical message that sectarian behaviour will not be tolerated, we would like to highlight that the majority of the Bill's provisions are potentially already covered by existing legislation such as Section 50A of the Criminal Law (Consolidation) (Scotland) Act 1995, Section 18, 19, 23 (1)a of the Public Disorder Act 1980, the Public Order Act 1986, Section 96 of the Crime and Disorder Act 1998 and Section 74 of the Criminal Justice (Scotland) Act 2003 (all as detailed in the ACPOS Hate Crime Guidance Manual 2010). It is of great concern to us that the current Bill may cause further confusion rather than adding clarity.

What is paramount and worthy of discussion is to what extent the above legislation is understood and applied by law enforcers and other relevant agencies. It would be useful if detailed scrutiny of this could be carried out before any new legislation was enacted.

According to the equality impact assessment 'the primary but not sole motivation for the measures in this Bill, both in terms of the nature of the measures themselves and the urgency with which the Scottish Government is seeking to introduce them concerns football'. It is therefore worrying that because football enjoys a high profile, new laws are being ushered in as a damage limitations exercise to stop any further erosion of Scotland's global image. In this respect the proposed Bill's objectives to challenge and tackle sectarian and racist behaviour becomes disingenuous.

Monitoring

According to the Crown Office and Procurator Fiscal Service (COPFS) figures 4,165 charges of race crime were reported in 2010/11 - 3.6% fewer than in 2009/10. Sixty two per cent of the charges related to racially aggravated harassment and behaviour, and 38% related to another offence with racial aggravation (COPFS: Hate Crime in Scotland 2010/11). These figures at first glance seem low, but a freedom of information request to Scotland's eight police forces carried out by Scottish Television news in February 2011 reveals a far greater problem. Statistics show that in 2009/10, 6171 incidents of racism were recorded compared to COPFS figure of race crimes reported in the same year as only 4,322. From such a simple comparison the discrepancies between recorded incidents and reporting must be rectified. Given the scale of racial (and other hate crime) incidents in Scotland, and our assumption that only a small proportion of these took place in football-related environments, we again question why the emphasis on any new legislation is confined to football.

Recommendations

Apart from legislation, CRER believes the effectiveness of any Bill needs to be supported by vociferous educational and training campaigns. In order to promote race and rights education in the wider community it would be beneficial to hold activities like anti-racist workshops throughout Scotland's schools, along with producing educational packs for teachers assisting them to recognise racial abuse and be confident enough to take appropriate action. However, the impacts of such interventions need to be vigorously monitored – research has shown that well-meaning anti-racism campaigns can sometimes have unintended but negative effects (e.g. see Sutton et al, 'Getting the Message Across – using media to reduce racial prejudice and discrimination' DCLG, 2007).

In order to provide a robust response to the victims of hate crime we recommend the police service be brought up to speed with the existing laws and be able to execute them with complete clarity. This can only be achieved by investing in training and support (thus avoiding any further disconcerting scenes like that recorded by the BBC Scotland programme 'Bombs, Bigotry and Football' (May 2011) where officers policing the terraces at a football match stood by whilst sectarian and racist chants took place).

Legislation does have its place, but it is only when anti-discrimination legislation is assisted through sustained enforcement measures and successful campaigning on the same level as that of (for example) the anti-drink driving campaign, will we be able to rid ourselves of parochial sectarian and racist attitudes and render them completely unacceptable in modern Scotland.

Coalition for Racial Equality and Rights
(formerly known as the Glasgow Anti Racist Alliance)
26 August 2011