Justice Committee

Offensive Behaviour at Football and Threatening Communications (Scotland) Bill

Written submission from Victim Support Scotland

1. Introduction

Victim Support Scotland is the largest agency providing generic support and information services to victims of crime in Scotland. Established in 1985, the organisation has ample experience in service provision to people affected by crime. Every year our community based victim services and court based witness services support around 165,000 people. We are grateful to be given the opportunity to respond to this new Bill which addresses a very important issue in Scotland, namely by criminalising offensive and threatening behaviours that occur at, or in connection with, football matches.

2. Offensive behaviours at football and threatening communications (Scotland) Bill

Football is Scotland’s national game, followed and enjoyed by millions of men, women and children, the substantial majority of whom balance passion and friendly rivalry with a sense of respect. However, not all sporting events pass without incident. We take the view that every person should be able to take part in public sporting activities throughout Scotland without fear of threat, intimidation or violence. Victim Support Scotland’s main concern is with the victims, and potential victims, of those offensive behaviours that do unfortunately occur. It is important that all those affected by these offensive and/or violent behaviours are acknowledged as victims of a crime, treated sensitively, and that there is effective support available to address their needs and issues.

2.1. A Range of Initiatives is Required to Tackle Sectarianism

Victim Support Scotland welcomes the Offensive Behaviours at Football and Threatening Communications (Scotland) Bill which we view as an important step in dealing with the issue. However, we do not believe that legislation alone is likely to be a sufficient, or indeed successful, resolution to the problem. Whilst the Bill is essential for setting the standards for what behaviours will be accepted and what will not, eradication of the problem is likely to require a range of additional initiatives aimed at addressing the root causes of violent and discriminatory behaviours and communications witnessed during football matches. Victim Support Scotland does not have the knowledge base or experience to comment on the specific root causes or aetiology of sectarian behaviours, or indeed what the most effective actions / measures are to deal with the problem and as such offer no further comment at this stage.
2.2. Human Rights Implications

We acknowledge and commend that the Bill is not intended to restrict fundamental freedoms, such as freedom of expression and freedom of thought, conscience or religion. It is essential that these basic fundamental freedoms are not forfeited as they allow individuals to comment, debate, criticise and argue about the content, meaning and value of different religious beliefs. We acknowledge that the European Convention on Human Rights proscribe that interferences of fundamental freedoms may be legitimate, when proscribed by law and when necessary in a democratic society in the interest of public society, for the protection of public order, health or morals, or for the protection of the protection of the rights and freedoms of others.¹ To ensure the new offences do not restrict legitimate freedoms, we encourage the Government’s engagement with the Scottish Human Rights Committee.

2.3. Threatening Communications

With regards to the new offence of threatening communications, the documents issued in accompaniment to the Bill emphasise that the offence has been established largely to criminalise threatening behaviours which incite religious hatred. Victim Support Scotland supports this proposal.

2.4. Operational Policing

Victim Support Scotland is aware that the Scottish Police service has significant experience in policing large sporting events which attract a worldwide audience and would make no further comment in this area which is more appropriately left to the police service to respond to.

3. Summary

Victim Support Scotland supports the introduction of the Offensive Behaviours and Threatening Communications (Scotland) Bill. However, to ensure it will make a positive difference it is essential to recognise that legislation can only deal with action, and there are underlying problems which need to be addressed via other actions in addition to legislation (for example, social and education initiatives), aimed at targeting and tackling the root causes of sectarian offending. We hope that the legislation will limit the amount of offensive and abusive behaviours and communications committed in connection with football games and as such play a vital role in the overall objective of tackling sectarianism in Scotland.

Victim Support Scotland
26 August 2011

¹ For more information, please see European Convention on Human Rights, Article 9, section 2.