

Justice Committee

Offensive Behaviour at Football and Threatening Communications (Scotland) Bill

Written submission from Tom Minogue

Having scanned the draft Bill and based on my experiences in these matters I would comment as follows:

A I cannot understand why a new offence of “*Offensive behaviour at regulated football matches*” will help stamp out sectarianism. The police already have powers to arrest troublemakers at football matches if they engage in expressions of hatred against religious or ethnic groups.

The sad fact is that by and large the police have failed to use these powers to enforce the law when tens, hundreds and even thousands flaunt them. If the police cannot find fault in those fans singing of their desire to see their fellow Irish-descended Scots go back to Ireland and cannot find offence in the same fans singing of their desire to be up to their knees in Fenian (Irish RC) blood then God help us.

When the police find such clearly defined and proscribed racist and religious sectarian songs/chants are deemed to be too difficult to enforce how on earth will these same police officers have the wit to define the rather vague offence of (2) (e) “*other behaviour that a reasonable person would be likely to consider offensive*”?

I think I am a reasonable person and find most of what Rangers fans sing to be offensive as they seem to have no songs about football. Derry’s Walls, The Sash, A Soldier of the UDA, and some of the other chants about RC’s and the Pope are generally offensive to me but I do not dispute the fact that they are typical of the Scottish/Ulster Orange tradition and Rangers draw much of their support from that group. And I do not doubt that in the confines of a football stadium their singing could not be described as a criminal offence.

I would not want these songs to be outlawed, offensive as they are, but I certainly would want the police to act when these fans sing of their wish to involve me and my kind in their bigotry.

To sing a request for me to return to my ancestral home because the famine is over dances on the graves of the dead of An Gorta Mor, and to sing of a desire to be knee deep in my blood is an incitement to violence against me and mine. The singers of offensive and racist songs directed at others and the singers of proscribed songs that incited violence towards religious or ethnic groups should be prosecuted.

But that which is not proscribed and causes offence to me may not cause offence to others. These things are entirely subjective and it was noticeable on Newsnight that Kenny MacAskill was unable to give examples of same. If our Justice Secretary can’t

define or draw up a list of what is not proscribed but is offensive then how will the ordinary Bobby-on-the-beat make this distinction?

Another criticism I would make of this proposed new offense is that it appears to relate only to behaviour in connection with soccer matches, i.e. in relation to a regulated football match. This cannot be right and it seems to me that a major cause of sectarianism is the abuse that goes with Orange Order events when those that accompany the parade seem able to racially and religiously abuse the general public with impunity.

I don't think this legislation is needed, but if it is why not widen it to include parades and marches where the most virulent offensive behaviour takes place in events that are of themselves offensive to many?

B I would agree that there needs to be a new offence created in relation to "*Threatening Communications*" and my own experience of being threatened online did have my lawyers and the police at a loss to define what offence had been committed under the existing law.

I would make it clear that I passionately believe in free speech and especially when this involves those taking part in private internet forums.

In my own case I took the view that the Hearts internet site were entitled to say what they liked be it offensive to others or not. If I didn't like their views then I did not have to join the forum. However I was alerted by a decent anonymous forum member who warned me that threats of violence against me had been made on the site. Furthermore my religion was given as RC and my address was also given out.

It cost me the best part of £1,000.00 in legal fees to have the offending posters banned for breaking the rules of their website, as opposed to the law. The Moderator also resigned and all posts were removed. My lawyers advised me to stay away from my home when Hearts visited Dunfermline—advice I did not take—and the police monitored my home on the day of the game.

I was threatened, not in relation to anything I had posted on their site, but because of a letter of mine that was published in another forum, the letters section of The Herald. It cannot be right that this can be allowed in law, and your proposed new legislation should deal with such threats and incitement.

Thanking you in anticipation of your consideration of my submission which is made based on personal experience.

Tom Minogue
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