1. **Do you agree with the proposal in the Bill to repeal the 2012 Act? What are your reasons for coming to this view?**

Sacro believes that the proposal to repeal the 2012 Act is appropriate. While defining offensive behaviour likely to incite public disorder is helpful, such acts are also addressed in broader public order legislation and experience has shown that the application of the 2012 Act is not common or consistent in enforcement and prosecution action. The few persons who have been referred to Sacro’s Tackling Offending Prejudices service (STOP) do not represent such a risk to public disorder that it suggests a defined separate criminal offence relating to this specific offence is proportionate and merits such specification of this as a distinct offence.

2. **Did you support the original legislation?**

Sacro recognised the high level of public discord and concern surrounding the issue of sectarianism in Scotland but did have concern that further defining of the specific offence in legislation beyond available public order offences was a disproportionate response to a culturally embedded issue.

3. **Do you consider that other existing provisions of criminal law are sufficient to prosecute offensive behaviour related to football which leads to public disorder? If so, could you specify the criminal law provisions? Or does repeal of section 1 risk creating a gap in the criminal law?**

The specification of one sport as the focus of a specific criminal offence presents real risk of stigmatising and applying unfair treatment of a distinct population group in Scotland’s society.

4. **Do you have a view on the focus of section 1 of the 2012 Act, which criminalises behaviour surrounding watching, attending or travelling to or from football matches, which may not be criminalised in other settings?**

5. **Do you consider that other existing provisions of criminal law are sufficient to prosecute threats made with the intent of causing a person or persons fear or alarm or inciting religious hatred? If so, could you specify the criminal law provisions? Or does repeal of section 6 risk creating a gap in the criminal law?**

6. **Do you have a view on the proposed transitional arrangements in the Bill: that there should be no further convictions for section 1 and 6 offences from the date on which the repeal of those offences takes effect; and that the police will cease issuing fixed penalty notices at least from the point at which the Bill is passed?**
Sacro does support this proposed transitional arrangement in the Bill. Simply issuing a fixed penalty notice in regards to the behaviour identified in the 2012 Act does not address the underlying beliefs and attitudes associated with sectarianism or hate crime. Referrals to services like STOP can be initiated by other appropriate interventions with a less stigmatising impact on those arrested. These are predominantly persons who have a more disadvantaged background in the first instance.

STOP provides diversion from prosecution that can be applied when appropriate by the COPFS, Courts (CPO) and Early and Effective Intervention teams in local areas. Individuals referred complete a 4 module Cognitive Behavioural Programme to help them identify their own attitudes and behaviours in relation to sectarianism, and how to use this knowledge to avoid similar offending behaviour in the future. Sacro has trained staff available to deliver this intervention across Scotland.

In the year 2016-2017 of the 26 persons who accessed Sacro’s STOP programme, only 3 persons did so in relation to sectarian behaviour as defined in the Offensive Behaviour at Football and Threatening Communications Act 2012. There were four other persons who were referred in relation to sectarian behaviour not charged under the 2012 Act as the behaviour was not connected to their physical attendance or travel in relation to relevant football matches. However other existing public order legislation did cover the offending sectarian behaviour concerned. This does indicate support for repeal of the 2012 Act.

This low level of referral to STOP in relation to sectarian behaviour does also appear to highlight that the present application of fixed penalty notices is not addressing offensive sectarian behaviours beyond punishment. There does appear to be significant scope to improve the use of interventions such as STOP to tackle underlying causes of such offending at the level of the offender’s beliefs and attitude towards sectarianism.

7. To what extent do you consider that the 2012 Act has assisted in tackling sectarianism?

The 2012 Act has identified those persons who are engaging in sectarian related abuse of others. This has enabled targeting of relevant interventions towards these individuals that can help address this specific attitude and behaviour.

Sacro
19 October 2017