Justice Committee

Offensive Behaviour at Football and Threatening Communications (Repeal) (Scotland) Bill

Written submission from Glasgow Labour Group

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

The Glasgow Labour Group fully supports the proposal to repeal the 2012 Act on the basis that we believe it discriminates against football fans and is an unjustifiable attack on their rights to political expression and freedom of speech. Indeed, we are concerned at the number of young men in particular that are being criminalised by the legislation. It is also deeply concerning that there is a lack of clarity associated with Section 1 of the Act, something which legal professionals have identified as an issue.

In relation to the threatening communications aspect, we note that survey information has indicated that the majority of people believe that the Act has made no difference in relation to incidents of incitement of religious hatred in football fan forums and elsewhere. Moreover, there appears to be a lack of clarity around sections of the Act combined with a range of legislation already in existence to address the issue of threatening communications.

We very much share the views expressed by Scottish civic society, football fans, academics and lawyers regarding the Act and fully support the efforts of all those fighting to repeal the Act.

2. Did you support the original legislation?

The Glasgow Labour Group did not support the original legislation. We believe that the legislation has had a negative impact on local communities in Glasgow, especially young men. This is particularly significant for Glasgow, given that the city is home to some of Scotland’s largest football clubs. Football is an important and much loved part of the cultural life of the city.

We believe that sectarianism has no place in our society and that education is key to tackling the issue. In a number of different areas the City Council has taken action to tackle sectarianism, including through education and community safety services. We believe that similar approaches should be adopted at a national level.
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?

We believe that there is already sufficient legislation in place to deal with offensive behaviour related to football. We note the Scottish Government’s own Report entitled the ‘Criminal Proceedings in Scotland 2014/15’ which stated that only a ‘very small’ number of people have actually been convicted through the legislation – a total of 79 convictions last year, compared with 15,000 breach of the peace convictions. We believe that the repeal of the Act has the potential to result in advantages to the police and justice system. It could be argued that both the police and justice system’s resources would be put to much more effective use within the existing legislation available. We therefore do not believe that a repeal of section 1 would risk creating a gap in the criminal law.

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?

We believe that the focus of section 1 of the 2012 Act discriminates against football fans and is an unjustifiable attack on their rights to political expression and freedom of speech. Indeed, we are concerned at the number of young men in particular that are being criminalised by the legislation. It is also deeply concerning that there is a lack of clarity associated with Section 1 of the Act, something which legal professionals have identified as an issue. We very much share the views expressed by Scottish civic society, football fans, academics and lawyers regarding the Act and fully support the efforts of all those fighting to repeal the Act.

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?

We note that survey information has indicated that the majority of people believe that the Act has made no difference in relation to incidents of incitement of religious hatred in football fan forums and elsewhere. Moreover, there appears to be a lack of clarity around sections of the Act combined with a range of legislation already in existence to address the issue of threatening communications.

We believe that other existing provisions of criminal law are sufficient in tackling threatening communications while at the same time upholding freedom of speech.
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?

We believe this to be a matter which should be addressed by legal professionals but wish to re-iterate that we believe that the Act unfairly discriminates against football fans.

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

We believe that the 2012 Act has not assisted in tackling sectarianism. There is no ‘quick fix’ to this significant social problem. We believe that only through education can the social malaise of deep-rooted attitudinal sectarianism finally be cured.

Glasgow Labour Group
16 August 2017