Justice Committee

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

Written submission from Glasgow Youth Council

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

We support the repeal of the legislation for three main reasons:

- It actively and unfairly targets and discriminates against young people.
- It is an unnecessary/ineffective piece of legislation.
- It is unworkable and difficult to enforce.

2. Did you support the original legislation?

We did not have a position on the legislation at the time. In hindsight, we support the principles of the legislation as actively tackling sectarianism in football, however we believe the legislation as it stands on the statute books is wholly inadequate and does not help to tackle the aforementioned problems.

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 adequate legislation in place to deal with incidents of public disorder in the scenario of a football match. We note that "breach of the peace" is a more used and successful legal instrument for dealing with incidents of offensive behaviour at football matches.

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 find Section 1 to be fundamentally unfair and actively criminalises football fans. It makes no sense that a football fans can be arrested and prosecuted for incidents of offensive behaviour but in other environments (notably public processions) there is no such grounds to tackle such incidents.

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 believe that there are significant legal instruments and provisions under Breach of the Peace, the Communications Act 2003 and section 38 of the Criminal Justice and Licensing (Scotland) Act 2010 can be used to prosecute such threats or incidents.

We remain assertive that there will be no negative impact on the authorities’ ability to prosecute such actions/incidents with the repeal of Section 6.

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 that all cases should be dropped and that no further charges should be brought.

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

While we completely respect the intentions of the 2012 Act, we believe due to fundamental flaws in the legislation has completed failed to tackle sectarianism, it has only exacerbated the divisions between the police and wider society, especially football fans

The Scottish Government and Glasgow City Council (no matter their political make-up) has in our view proud records of tackling sectarianism. Our members have referenced numerous example projects such as Old Firm Alliance, Divided City & Scarfed for Life, Sense over Sectarianism (SOS) and Stand up to Sectarianism.

We are absolutely resolute in the belief that sectarianism and the offensive behaviour it inspires can only be defeated through education and community engagement.

Glasgow Youth Council
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