

Justice Committee

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

Written submission from the Catholic Bishops' Conference of Scotland

The Catholic Church condemns behaviour and beliefs which foster hatred of any individual or group. All persons are entitled to respect and to live without fear and intimidation.

To this end it is important to recognise the importance of maintaining public order as a central task of government. Public authorities therefore have the competence and duty in responding to particular manifestations of disorder and behaviour which threaten the wellbeing of citizens and society as a whole.

Enacting laws and designing policies aimed at resolving such problems must be pursued with prudence and wisdom to ensure that measures are suitable and proportionate for the problem they seek to address. The freedom of citizens in their movements, beliefs and expression is foundational to a decent society and these ordinary rights must be protected as far as practicable.

The exercise of government powers can contribute to this work by giving leadership in fostering the values necessary for a safe and ordered society. These powers need to be used wisely and to this end democratic governance is marked by a separation of legislative, judicial and executive powers. Such a separation ensures an adequate balance within the democratic process which avoids arbitrary and poorly formulated decisions.

Citizens carry responsibility for exercising their freedom responsibly and for contributing to harmonious relations. Church communities play a particular role in contributing to good community relationships and their efforts, along with other parts of civic society, to encourage responsible behaviour throughout our communities are vital to creating the proper environment for a genuinely tolerant society. In Scotland, the different Christian denominations and faith communities have led by example in fostering good relationships and building close and collaborative partnerships. Democracy should also encourage the participation of citizens in political choices by ensuring adequate opportunity in decision making processes.

With respect to the proposed repeal of the Offensive Behaviour and Threatening Communications (Scotland) Act 2012 ("the Act") the Church respects the legitimate autonomy of the democratic order and believes it is ultimately for Parliament, as the democratically elected representative of the Scottish people, to decide on whether to repeal the Act.

In the absence of adequate alternative legislation to tackle the behaviour targeted in the Act it could be argued that repeal would not be an appropriate course of action to take. However, evidence has been presented to the Committee which states that there are sufficient alternatives to the offences in the Act and that there wouldn't be a gap in the law.

If we are to truly challenge offending behaviour we need to get to the root of the problem. There is a danger in relying solely on legislation to tackle certain behaviours which threaten the peace and the safety of citizens. The importance of legislation, which is suitable and proportionate, is not in question, however, this must be accompanied by a desire and a new focus to challenge the root of the problem, rather than simply tackling it when it manifests itself in the form of criminal activity.

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