



The Church of Scotland

Church and Society Council

Official Response

SUBJECT: Offensive Behaviour at Football and Threatening Communications (Repeal) (Scotland) Bill
REQUESTED BY: Scottish Parliament Justice Committee
REFERENCE: OR-2017/099
DATE: Friday 18 August 2017

To members of the Justice Committee

I write on behalf of the Church and Society Council of the Church of Scotland. We have consulted with interfaith and ecumenical partners in the preparation of this response.

We note that Lord Bracadale is currently undertaking a review into hate crime legislation. It would be wise to await the recommendations of this review before repealing an Act which is currently in force.

Responding to the original consultation during the passing of the Act in 2011 the Church of Scotland welcomed the introduction of specific offences relating to religious hatred and sectarianism at football; some behaviour is unacceptable. In offering comment during the passage of the Act we encouraged lawmakers to consider hate crime legislation in the UK and around the world and assess the consequences of the introduction of such legislation in Scotland.

There is also a strong case for looking at the issue in the wider context of religious hatred and the nature and range of violence in Scottish Society, and not just a sectarian or football related issue. Tackling sectarian attitudes and behaviours is probably still best done through supporting grassroots and community action rather than legislation, but the question of religious hatred in an increasingly multi-religious society is one which needs to be addressed.

You can read our response to the 2011 Call for Evidence here:

http://www.churchofscotland.org.uk/_data/assets/pdf_file/0003/7590/OR-04_Offensive_Behaviour_at_Football_and_Threatening_Communications_Bill_August_2011_1.pdf

There remain concerns that, regardless of the technical details of the legislation and prosecution and conviction rates, repealing the Act without replacement would be a symbol that our elected representatives do not think that behaving offensively or sending threatening communications is problematic. At a time of rising levels of antisemitism and

Islamophobia and where Sectarianism remains a reality of life in Scotland, the wider implications for repeal should be taken into account.

In addition to recommending Lord Bracadale's review be given serious consideration, in public debate about this Bill we ask:

- politicians to demonstrate a cross-party consensus that any behaviour regardless of location which is motivated by hatred of racial or religious groups is unacceptable and encourage people to recognise that this principle is widely shared; debate about this Bill needs to focus on whether it will contribute towards this aim.
- Supporters of repeal to make it clear that repeal does not legitimise or encourage hate crime, offensive behaviour or threatening communications, and to set out what actions they intend to take to demonstrate this, including what will replace the Act.
- Opponents of repeal to show what they are doing in addition to keeping the legislation to help eradicate all forms of hate crime, offensive behaviour and threatening communications.
- Everyone to view this in the continuous challenge and priority for all of making Scotland a safer and inclusive society where violence of any kind is abhorred and is addressed effectively in our communities

Yours sincerely

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The Church of Scotland