



**PUBLIC PETITION NO.**

**PE01593**

### **Name of petitioner**

Paul Quigley on behalf of Fans Against Criminalisation

### **Petition title**

A full review of the Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012.

### **Petition summary**

Calling on the Scottish Parliament to urge the Scottish Government to hold a full and comprehensive review of the Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012 with a view to having this Act repealed.

### **Action taken to resolve issues of concern before submitting the petition**

Fans Against Criminalisation were formed in response to the Scottish Government's plans to introduce the Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012 (OBFA). We now see this attempt to hold a comprehensive review of this Act as a means to our end goal of having it repealed.

FAC initially consisted of the 5 main Celtic supporters' groups: The Green Brigade, The Celtic Trust, The Celtic Supporter's Association, The Affiliation of Registered Celtic Supporters' Clubs and The Association of Irish Celtic Supporters Clubs. However, it was never intended that this be a Celtic supporters' organisation and from the outset invitations to get involved were issued to supporters of other clubs. Just as importantly, offers of assistance and advice were made to, and accepted by, fans of any Club charged under the Act. At the current time (2015) we have supporters of Hamilton, Motherwell and Rangers involved in the planning of FAC activities.

Our opposition to this Act is based on several fundamental principles. It is both discriminatory and dangerous to create a law which creates an offence for one group within a society, when the same actions or behaviours would not result in a criminal charge for others. We would also like to stress that our opposition to this Act is in no way related to sectarianism or hate speech. We do however oppose the criminalisation of something as subjective as offensiveness.

Our campaign began with the objective of de-railing the emergency process however the emergency bill was scrapped. As a group we campaigned vigorously against the bill as it went through the regular Parliamentary procedures, however given that the SNP maintain a parliamentary majority, it was bound to be an uphill struggle. Although the bill was voted through Parliament, we took solace from the fact that every single MSP in opposition voted against the Act.

Although initially set up to oppose the passing of the bill, FAC continued with the renewed goals of challenging the Act and helping those who have been criminalised as a result of it. Every action that we have taken has been done with this goal in mind. We have tried to ensure that the issue is kept in the spotlight and have attempted to place pressure on the Scottish Government through various means.

Over the course of the last few years, FAC and its constituent groups have held mass demonstrations, held visual protests during football matches and offered critiques on what we believe to be skewed statistics produced by the Scottish Government in an attempt to undermine the law and convince both the public and the Government of the flaws inherent within it. FAC have protested at the Scottish Parliament, at Police stations and at the SNP national conference. Additionally, we have also offered assistance to those whose lives have been affected apart by criminal charges and court cases.

In 2013, we ran a local candidate in the Govan Council by-election. Our intention was to highlight the issue in the local constituency of the now First Minister to ensure our concerns were not to be ignored.

In 2014, we released a single in association with the Irish Brigade, the well known Irish ballad 'Roll of Honour'. This song has fallen foul of OFAB and the success of our campaign clearly demonstrated a resilience within the Celtic support to stand up to the repression of football fan's rights to express a political opinion or to celebrate their heritage. The song reached number 33 in the UK official singles chart and a clip of it was played live on national radio. This particular campaign helped to highlight the absurdity of the legislation and ultimately to undermine it. It made the point that this song could be played on the radio, causing no harm to anyone, yet any fan caught listening to the radio en route home from that day's match could theoretically have faced arrest.

We also lead an email campaign which successfully brought the Act back into the justice committee as we pushed for an early review in 2014, which we were unfortunately not granted. We had hoped that if we were given the opportunity to present evidence to the Justice Committee, we would have been able to make our case that this Act is unreasonable and unworkable and it is regrettable that we were not given this opportunity.

We have continued to challenge the Government's position on the Act as well as the way in which it has been policed. Since the publication of the report carried out by The University of Stirling and several opinion polls by the Scottish Government, we have challenged these findings and we fundamentally do not believe that this has constituted the full and comprehensive review that is in the public interest. This process did not allow for groups such as ourselves and other stakeholders to adequately critique this legislation through our own analysis and evidence.

Recent protests calling for the repeal of this Act have taken place at various football grounds across the country, some of which have been orchestrated by rival fan groups, highlighting the importance of the issue at hand.

FAC launched our petition in summer of 2015 and would now like to submit this to the Scottish Parliament. We are also currently supporting a series of legal challenges to important cases and we will continue to hold protests at selected grounds. Recently we have made numerous successful complaints against individual police officers and their behaviour towards football supporters.

Since the introduction of the legislation we have also maintained our own records of those who have been charged as a result of this and would like the opportunity to submit our own evidence in full.

## Petition background information

It is significant to note that when this Act was ushered through Parliament, the Scottish Government gave an explicit guarantee that this legislation would be reviewed in full by August 2015. It is our contention that they have utterly failed to do so.

The government have published an Evaluation report carried out by researchers at the University of Stirling and believe that by doing so; they have fulfilled their obligation for such a review. The University of Stirling team themselves however released a statement to clarify that this work was not in any way a review of the Act or, indeed, fully supportive of it. We also feel that the Government were selective in terms of which section of the Evaluation Report they chose to highlight.

First Minister of Scotland, Alex Salmond, stated that he wished to build a consensus around this issue and legislation, prior to it being voted on in Parliament, yet it had to be forced through on the basis of the SNP majority alone since no other MSP or any party was willing to vote for it. Years have since passed and still the only consensus which exists is in opposition to this act. Every mainstream opposition party in the Scottish Parliament opposes it, as do fan groups, lawyers, judges and football clubs (such as Celtic FC who have released several statements to that effect).

We remain adamant that a full and frank review, at which we (as well as other interested stakeholders) would be given the opportunity to provide evidence, is in the public interest. The government cannot reasonably expect to kick this political football in to the long grass and have the issue disappear. The statistics released by the Scottish Government provide their own story as to the mess which has been created, with recent figures showing convictions rates as shockingly low as 22%. This demonstrates that far greater scrutiny is required.

The Stirling report also revealed the fears of prominent judges that the OBAF Act infringes upon civil liberties, and policing concerns that violence at football matches has in fact increased as a result of resources being diverted to police offensiveness.

Above all, however, two key concerns remain paramount.

To create a law which clearly discriminates against one section of society, creating a criminal offence which only applies to this group, is fundamentally wrong. This Act by definition football fans and discriminates against them.

And secondly, to create a law which outlaws something as subjective as 'offensiveness' is both ridiculous and inherently dangerous. If you outlaw 'offensiveness' it creates a broadening blurring of what is allowed and what is not. It is very easy to see how freedom of speech is under immense risk within this context.

No satisfactory rebuttal has ever been offered by the Scottish Government in regards to these concerns. This Act has been opposed by every mainstream opposition political party, lawyers, sheriffs, fans groups, football clubs and civil liberties groups. Fans Against Criminalisation feel that we have sufficient evidence to demonstrate that this act is unjust and unworkable. We feel that we should have the right to present such evidence in Parliament to make the case that this legislation must be repealed within the context of a full review.

Ultimately, our aim is for this Act to be repealed however a proper review would grant us as a pressure group the opportunity to properly make the case that this is required for the benefit of society. It is unjust and undemocratic that the Scottish Government have been able to flaunt what we believe to be a skewed analysis of statistics without being properly challenged, especially on a matter which has been so divisive.

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