

SECTARIANISM LEGAL DEFINITION GROUP – MINUTES

Meeting:	Sectarianism Legal Definition Group
Meeting number:	One
Date:	23 March 2018
Time:	11:45 – 15:00
Venue:	Atlantic Quay
Group Members (In Attendance):	Duncan Morrow (Chair)
	Michael Rosie
	Ian Galloway
	Andrew Tickell
	Alison Logan
Secretariat:	David Bell, Scottish Government (Official Support)
	Stephen Coulter, Scottish Government (Official Support)
	David Ross, Scottish Government (Official Support)
Apologies:	Margaret Lynch

Item 1 – Welcome, introductions, apologies

1.1 The Chair thanked everyone for attending the meeting, welcomed attendees and passed on apologies from Margaret Lynch.

Item 2 – Group Overview

2.1 The Chair gave an overview of the group and how he felt they could structure meetings to deliver the remit. He invited input from members.

2.2 It was noted that the group were free to take evidence from whoever they wished to and that the secretariat would facilitate this. Following some discussion on who the group could usefully engage with, it was agreed that the secretariat would pull together proposals which could be discussed at the next meeting.

Action: Secretariat to prepare proposals for engagement and evidence gathering that the group can take forward to fulfil their remit.

Item 3 – Group Remit: WGDSSL(01)01

3.1 The group confirmed they were happy with their remit.

3.2 It was agreed that the main function of the group was to gather and assess evidence on the need for a legal definition of sectarianism and, if the need is justified, the feasibility of establishing such a definition.

Item 4 – Discussion paper: WGDSSL(01)02 – background

4.1 The group confirmed they were happy that the background paper provided a basis for taking discussions forward.

4.2 It was noted that consideration should be given to the need for both a legal and civil definition of sectarianism.

4.3 It was recognised that consideration would be needed in relation to areas such as how the definition could be applied to employment law and other reserved areas as well as whether it would be helpful for the definition to go beyond how it has been traditionally recognised in Scotland, that is as an inter-Christian issue, to be able to apply to other intra-faith and between faith issues.

Item 5 – Discussion paper: WGDSSL(01)03 – Legislation

5.1 The group felt that this paper required specific discussion and that input from lawyers and legal experts would be helpful to work through the issues and help to identify what is realistically achievable.

Action: Secretariat to propose legal experts that the group may wish to engage with including Scottish Government Legal Directorate; the Crown Office and Procurator Fiscal Service; and Police Scotland lawyers.

5.2 It was noted that the Criminal Justice Act in Northern Ireland could be a good piece of legislation to examine as the basis for what is achievable through legislation to tackle issues like sectarianism.

Action: Secretariat to circulate a link to Northern Ireland's Criminal Justice Act.

Item 6 – Examining the Advisory Group on Tackling Sectarianism in Scotland's definition of sectarianism:

6.1 It was noted that the Advisory Group had only gone as far as establishing a working definition of sectarianism which attempted to capture all of the nuances of the issue, but that in doing this it had developed a definition that was too complex to be workable in the context of Scots Law. However, it was also noted that this definition had been widely adapted by organisations working in communities and that these adaptations invariably simplified the definition in response to the specific expressions of sectarianism that they were seeking to address.

6.2 The group were keen to find ways to gather stakeholders views within the timeframe they were working to and it was agreed that the secretariat would offer some proposals on how this could be done. In addition, when Lord Braccadale's Review of Hate Crime Legislation in Scotland is published the conclusions and recommendations from this would need to be fed into the group and may help to shape their proposals on a legal definition.

Action: Secretariat to collate suggestions for engaging with stakeholders.

Item 7 – Next steps

7.1 A work programme will be drafted by the secretariat for agreement at the next meeting. Initial thoughts discussed at the meeting were:

Meeting number:	Themes of the meeting:	Proposed date(s):
2	<ul style="list-style-type: none"> • Finalising work plan. • Agreeing a programme of engagement. • Looking at the evidence base – input from Scottish Government analysts. • Considering what additional information is required. 	Agreed for 26 April
3	<ul style="list-style-type: none"> • Looking at the evidence for how sectarianism is experienced in communities. • Considering a definition from the perspective of stakeholder groups. • Meeting with community and/or equality groups to seek their views. 	Proposed for 8, 9 or 10 May
4	<ul style="list-style-type: none"> • Considering how sectarianism is dealt with by law enforcers. • Meeting with representatives of the police; Crown Office and Procurator Fiscal Service; and other legal experts to seek their views. 	Proposed for 4 June
5	<ul style="list-style-type: none"> • Considering the evidence gathered and developing conclusions and recommendations. 	Proposed for 26 June

Action: Secretariat to provide a more detailed set of proposals for the group to consider at meeting 2.

Item 8 – AOB

8.1 There was no other business.

Item 9 – Date of next meeting

9.1 The next meeting is on 26 April 2018 at Glasgow Caledonian University.

Group Secretariat
9 April 2018