



[redacted] <redacted@gov.scot>; [redacted] <redacted@gov.scot>

**Subject:** FOR CAB SEC CLEARANCE: Scottish Sun / sectarian chant

[redacted], [redacted],

Justice comms has been approached by Scottish Sun online regarding footage widely posted on Twitter showing Rangers fans singing a sectarian song. An independent Celtic fan site – The Celtic Star – has copied the Cab Sec into a tweet saying ‘powerful racist dimensions and a question Humza Yousaf ... is this not a hate crime?’

(Relevant tweets here)

[https://twitter.com/Lord\\_Carson12/status/1370688503143616513](https://twitter.com/Lord_Carson12/status/1370688503143616513)  
<https://twitter.com/CelticStarMag/status/1371404220134526977>

We’ve been asked to comment and the following line has been prepared:

**[Redacted under section 30(b)(i) for the free and frank provision of advice – see above for finalised lines].**

## Document 2

**From:** [redacted] <redacted@gov.scot>  
**Sent:** Friday, March 26, 2021 4:24:21 PM  
**To:** [redacted] <redacted@live.co.uk>  
**Subject:** RE: Anti Irish and anti Catholic hate crime

Thanks [redacted],

I am sure you will be aware of the pre-election guidelines we are working under for the next few weeks, so what I am able to share is below.

Please see our news release on the statistics which you are referencing:  
<https://www.gov.scot/news/understanding-the-nature-of-hate-crime/>

Within this Communities Secretary Aileen Campbell said:

“Scotland is an inclusive and tolerant nation, but we are not immune from the constant threat that prejudice and intolerance can bring to our society. Given the impact it has on individuals and communities it is important that everybody plays their part to challenge it at all times.

Also, Justice Secretary Humza Yousaf said:

“This report provides more detail of how hate crime affects our communities and is a timely reminder that crime motivated by hate is an all too common occurrence, with real-life impacts on victims and those around them. Just from those that are reported, we know that an average 18 hate crimes are committed every day in Scotland.

“The fact that visible minority ethnic groups, which represent 4% of the population, experience two-thirds of all race-related hate crimes shows we have much more to do to overcome prejudice, while the findings also highlight the need for more to be done to ensure workplaces are an environment free from hatred and from fear. The report also highlights the risk that police face in the line of duty on a daily basis where almost 1 in 5 recorded hate crimes involved a victim that was a police officer.

“As elected representatives, we can help ensure Scotland is a place where there is zero tolerance of hate crime. The legislation currently before Parliament makes clear that this type of behaviour will not be tolerated – and will ensure Scotland’s justice system can bring perpetrators to account and provide protection for individuals and communities harmed by hate crimes.”

Please see our news release issued on the passing of the Hate Crime Bill - <https://www.gov.scot/news/hate-crime-bill-passed/>

Within this, Justice Secretary Humza Yousaf said:

“Through the passing of this landmark Bill, Parliament has sent a strong and clear message to victims, perpetrators, communities and to wider society that offences motivated by prejudice will be treated seriously and will not be tolerated – I am delighted Holyrood has backed this powerful legislation that is fitting for the Scotland we live in.

“We must remember why this Bill is so necessary, every day in Scotland around 18 hate crimes are committed. The effects of these crimes are felt deeply by those targeted and this prejudice has a pernicious effect on the health of a society and its communities. Not only that, the toll hate crime takes on its victims, their families and communities, is immense.

“The Bill’s passage has shown Holyrood at its very best – a collaborative, diverse and determined Parliament which we should all be proud of. Robust scrutiny has ensured we have met the right balance between protecting groups targeted by hate crime and respecting people’s rights to free speech.

“I look forward to overseeing the implementation of this legislation which will ensure Scotland’s justice system can bring perpetrators to account and provide sufficient protection for individuals and communities harmed by hate crimes.”

Thanks  
[redacted]





[redacted]  
Community Safety Unit

### **Attached Minute:**

Cabinet Secretary for Justice

## **FREEDOM OF INFORMATION (FOI) REQUEST: SCOTTISH GOVERNMENT'S USE OF THE TERM 'SECTARIANISM'**

### **Purpose**

1. To seek your approval for our proposed response to a FOI seeking clarity on the Scottish Government's use of the term 'sectarianism' and whether it is our intention to replace this with the terms 'anti-Catholicism' and 'anti-Irish racism'.

### **Priority**

2. Routine.

### **Background to the FOI**

3. The full text of the FOI is at **Annex A**. So far as we can ascertain, the FOI has been received from a member of the public raising concerns about a tweet which was put out by the Irish Voice (an on-line news forum aimed at the Irish community in Scotland) which stated:

“[@glasgowcathcart](#) promised our community at the recent hustings that the terms 'anti-Catholicism' and 'anti-Irish racism' would be used by [@theSNP](#) in place of 'sectarianism.' [@NicolaSturgeon](#) and [@HumzaYousaf](#)'s statements have been progressive in that regard.”

4. The article on this husting which appeared in the Irish Voice can be found here: <https://www.theirishvoice.com/news/politicians-pledge-support-for-irish-community/>. This reports that in response to criticism that the government classifies anti-Irish racism as sectarianism James Dornan MSP is quoted as having spoken of having “pledged to improve the language used in the future” and of specifically stating that “The use of 'sectarianism' is a lazy use of language and I accept that, but it's one way you can get all groups around the table to discuss the issue” and additionally that he'd “spoken to the Justice Secretary about this for a number of years and he says we should be calling it out for what it is – anti-Catholic bigotry, anti-Irish racism – so I'm on board with identifying language.”

5. The tweets from the First Minister and Mr Yousaf were in relation to the issues surrounding fans of Rangers FC gathering in Glasgow on 15 May which refer to “anti-Catholic” bigotry having been part of the wider antisocial and disruptive behaviour that was on display.

6. The author of the FOI has taken this to indicate a policy shift by the Scottish Government which would see us stop using the term 'sectarianism' and instead use the terms 'anti-Catholicism' and 'anti-Irish racism' which contradicts previous evidence accepted to the Scottish Government (and welcomed by members in the

Scottish Parliament) from Professor Duncan Morrow who chaired an independent Advisory Group on Tackling Sectarianism in Scotland (the Advisory Group).

7. The FOI therefore asks for the release of the Equality Impact Assessment (EQIA) that we would have completed in relation to such a shift in policy. However, as the current position of the Scottish Government is to recognise sectarianism as an issue, there has been no shift in policy and therefore no EQIA has been completed.

8. This means that we do not have any documents to issue in response to this particular FOI request, but we advise that in responding it is important to clearly state the Scottish Government's position. The draft response is included at **Annex B**.

### **Current Scottish Government position**

9. A general briefing note on the Scottish Government's work to tackle sectarianism is attached as **Annex C**. The key thing to note here is that our position is that we recognise both anti-Catholicism and anti-Irish racism as being forms of prejudice, and indeed we also recognise that anti-Protestantism and anti-British prejudice exist, but in doing this we also recognise sectarianism as a form of discrimination which contains a more complex mix of elements than being prejudice which targets a single community.

10. In this respect we have accepted the definition of sectarianism that was drafted by the Advisory Group in their final report which states that:

*Sectarianism in Scotland is a mixture of perceptions, attitudes, actions, and structures that involves overlooking, excluding, discriminating against or being abusive or violent towards others on the basis of their perceived Christian denominational background. This perception is always mixed with other factors such as, but not confined to, politics, football allegiance and national identity.*

11. Therefore it is perfectly acceptable to use any of these terms as long as they appropriately fit the circumstances of the event/incident that is being responded to. Continuing to use the term sectarian to describe incidents which are, for example, a warped expression of football identity which manifest as religious (such as anti-Catholic) or political (such as anti-immigration) hatred can fairly be named as sectarian in nature. Naming incidents as sectarian does not preclude recognition of the fact that such events may include elements of anti-Catholic or anti-Irish discrimination.

12. The Scottish Parliament Justice Committee recommended that the Scottish Government should consider defining sectarianism in Scots Law. Following work by an independent Working Group, also chaired by Professor Duncan Morrow, and Lord Bracadale's review of hate crime legislation in Scotland a public consultation was undertaken on their findings. Ultimately the Hate Crime and Public Order (Scotland) Act 2021 did not include a specific sectarianism aggravation partly because there was difficulty in finding a definition which was workable in Scots Law, and partly because it was felt that sectarian behaviour could be covered by jointly applying the race and religion aggravations to an individual who committed a sectarian hate-based crime.

### **Maintaining the Scottish Government position**

13. We believe that there are a number of reasons why it is important to maintain the Scottish Government's current position on this issue:

### **Risk of creating a 'one-way street'**

13.1 Bigotry, prejudice and discrimination are multi-faceted and it is essential that we recognise all forms of hatred. In restricting the language we use we risk backing ourselves into a corner where we recognise some types of discrimination (in this case anti-Catholicism and anti-Irish prejudice) but not others (such as anti-Protestantism or anti-British prejudice). Such a position could lead to us being accused of failing or disregarding some communities while showing favouritism towards others.

13.2 The argument against this is that in recognising that discrimination runs all ways we are failing to recognise that particular groups or communities are disproportionately impacted by some forms of discrimination. This is not the case and we already recognise that, for example, the Catholic community is the target of the majority of religious and sectarian abuse. However, we cannot discard the fact that there are those within the Protestant community who also feel that they are being side-lined and discriminated against, even if this is to a considerably lesser degree.

13.3 A useful comparator here is domestic violence where we recognise that the vast majority is committed by men against women, but in doing this we cannot ignore the fact that a small amount of domestic abuse is committed by women against men; men against men; and women against women. Failure to recognise all of these types of domestic abuse could be interpreted as the Scottish Government condoning certain types of abuse.

### **Funded work**

13.4 **Annex C** sets out the work that the Scottish Government has been funding to tackle sectarianism. The focus of this work, which is funded up to 31 March 2022, has been specifically on tackling intra-Christian sectarianism as defined above. This work therefore encompasses elements that tackle anti-Catholicism and anti-Irish racism, but is not limited to these.

13.5 While part of our work over the coming year is to look at this agenda and consider how it could be refreshed, the initiatives funded have had a positive impact on those that they have engaged with and continue to do so. We therefore believe that the broad focus of tackling sectarianism is the right one and allows recognition of the complexity of the issue that we are dealing with.

### **Unintended consequences**

13.6 The specific focus of this agenda has been on intra-Christian sectarianism because of the deep historical roots this has in Scottish society, and the way these continue to play out in modern Scotland. This does not mean that we do not recognise sectarianism as it relates to other communities.

13.7 The tensions between Sunni and Shia communities, the two main denominations within Islam, is a good example. We are aware that tensions exist between these communities in Scotland, but work to address this would fall within broader work on promoting equality and tackling hate crime. Any move which appeared to drop the concept of sectarianism may leave some non-Christian communities feeling their intra-faith tensions are not recognised, or considered worthy of consideration, by the Scottish Government.

**Conclusion and recommendation**

14. We recommend that you approve the attached response to the FOI request on the use of the term ‘sectarianism’.

15. Additionally, if you would find it helpful, we can arrange for you to meet with key stakeholders who have been engaged in work to tackle sectarianism to give you a broader understanding of the issues surrounding this agenda.

[redacted]  
 Community Safety Unit  
 25 May 2021

Copy List:	For Action	For Comments	For Information		
			Portfolio Interest	Constit Interes t	General Awareness
Minister for Community Safety			X		

DG Education and Justice  
 Director, Safer Communities  
 [redacted], Drugs and Community Safety  
 [redacted], Community Safety Unit  
 [redacted], Cohesive Communities  
 [redacted], Cohesive Communities  
 [redacted], Equality Unit  
 [redacted], Equality Unit  
 [redacted], FOI Unit  
 [redacted], Justice SPAD  
 Communications Justice

**FULL TEXT OF THE FOI REQUEST SUBMITTED ON 19 MAY 2021**

In 2012 Scottish Ministers made regulations that placed specific duties on Scottish public bodies to help them meet the public sector equality duty in the Equality Act 2010. These came into force in 2011, and meant that Equality Impact Assessments (EQIAs) must be carried out on policy or process changes.

Further information published on this is on the SG website here:

<https://www.gov.scot/publications/scottish-governments-equality-duties/>

The 2018 working group, chaired by Professor Duncan Morrow, sought to provide a legal definition of sectarianism (available here:

<https://www.gov.scot/publications/final-report-working-group-defining-sectarianism-scots-law>) stated that

"Calling someone a "Fenian" or "Hun" can, in some contexts, denote a perception around political affiliation, national and/or religious identity. We believe that it is important that any legal definition of sectarianism extends to cover this complexity and inter-sectional challenge."

According to this comment from the Irish Voice on Twitter however

(<https://twitter.com/TheIrishVoiceUK/status/1394264042915647497?s=19>) James Dornan MSP and Humza Yousef MSP have committed that "the terms 'anti-Catholicism' and 'anti-Irish racism' would be used by @theSNP in place of 'sectarianism.'"

Given this would seem to rule out any other groups being the victim of vile sectarian abuse, my FOI request therefore asks you to provide me with details of the EQIA that was carried out that would justify such a commitment, and what steps have been identified as a result of it to mitigate the risk that other groups are disproportionately affected and disadvantaged by this change.

Regards

**PROPOSED TEXT OF THE RESPONSE TO THE FOI REQUEST**

Dear [redacted]

**REQUEST UNDER THE FREEDOM OF INFORMATION (SCOTLAND) ACT 2002 (FOISA)**

Thank you for your request dated 19 May 2021 under the Freedom of Information (Scotland) Act 2002 (FOISA).

Your request

You asked to be provided “with details of the EQIA [*Equality Impact Assessment*] that was carried out [*in relation to a perceived policy change by the Scottish Government to stop using the term ‘sectarianism’ in favor of the terms ‘anti-Catholicism’ and ‘anti-Irish racism’*] that would justify such a commitment, and what steps have been identified as a result of it to mitigate the risk that other groups are disproportionately affected and disadvantaged by this change.”

Response to your request

The Scottish Government has not made any policy changes in relation to the use of the term ‘sectarianism’. Therefore the completion of an EQIA has not been necessary and we do not have one to release to you.

I can confirm that the current position of the Scottish Government is that we have accepted the definition of sectarianism that was included by the independent Advisory Group on Tackling Sectarianism in Scotland in their final report which stated that:

Sectarianism in Scotland is a mixture of perceptions, attitudes, actions, and structures that involves overlooking, excluding, discriminating against or being abusive or violent towards others on the basis of their perceived Christian denominational background. This perception is always mixed with other factors such as, but not confined to, politics, football allegiance and national identity.

Your right to request a review

If you are unhappy with this response to your FOI request, you may ask us to carry out an internal review of the response, by writing to Paul Johnston Director General for Education, Communities and Justice, St Andrews House, Regent Road, Edinburgh, EH1 3DG. Your review request should explain why you are dissatisfied with this response, and should be made within 40 working days from the date when

you received this letter. We will complete the review and tell you the result, within 20 working days from the date when we receive your review request.

If you are not satisfied with the result of the review, you then have the right to appeal to the Scottish Information Commissioner. More detailed information on your appeal rights is available on the Commissioner's website at:

<http://www.itspublicknowledge.info/YourRights/Unhappywiththeresponse/AppealingtoCommissioner.aspx>.

Yours sincerely

## GENERAL BRIEFING NOTE ON THE SCOTTISH GOVERNMENT'S WORK TO TACKLE SECTARIANISM

### Issue

- [redacted – out of scope]

### Current position

- [redacted – out of scope]

### Risks

- This is an extremely contentious issue which attracts a lot of media and parliamentary attention. While there is broad agreement that the issue needs to be tackled, there is wide disagreement on how this should be done.
- There are groups in Scotland who believe that there is no such thing as sectarianism and that the term is used simply as a catch all to divert away from the real issue of anti-Catholicism or anti-Irish racism. This is not the view of government – we recognise that anti-Catholicism and anti-Irish racism exist and should be named and treated as such, but that these differ from sectarianism which is a more complex mix of bigotry and prejudice.
- We have accepted the definition set out by the independent Advisory Group on Tackling Sectarianism in Scotland which is that:

*Sectarianism in Scotland is a mixture of perceptions, attitudes, actions, and structures that involves overlooking, excluding, discriminating against or being abusive or violent towards others on the basis of their perceived Christian denominational background. This perception is always mixed with other factors such as, but not confined to, politics, football allegiance and national identity.*

- [redacted – out of scope]

### Sectarianism and Football

- [redacted – out of scope]

### Tackling Sectarianism Funding

- [redacted – out of scope]

### Actions officials are taking forward

- [redacted – out of scope]

### Lines

- [redacted – out of scope]

END



<redacted@gov.scot>; [redacted] <redacted@gov.scot>; Cabinet Secretary for Justice and Veterans <redacted@gov.scot>; [redacted] <redacted@gov.scot>  
**Subject:** RE: CAB SEC CLEARANCE - BIDS - Football sectarianism - STV & BBC

Hi [redacted]

Mr Brown is content with the statement and to decline the bid.

Many thanks,  
[redacted]

[redacted] - Deputy Private Secretary to Cabinet Secretary for Justice and Veterans - Keith Brown  
Scottish Government | St Andrews's House, Regent Road, Edinburgh, EH1 3DG |  
Tel: [redacted] | Mob: [redacted] | Email: redacted@gov.scot

The Cabinet Secretary's preferences can be found here

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**From:** [redacted] <redacted@gov.scot>

**Sent:** 30 August 2021 12:02

**To:** Cabinet Secretary for Health and Social Care <redacted@gov.scot>

**Cc:** News Desk <redacted@gov.scot>; Communications Justice

<redacted@gov.scot>; [redacted] <redacted@gov.scot>; [redacted]

<redacted@gov.scot>; [redacted] <redacted@gov.scot>; Cabinet Secretary for

Justice and Veterans <redacted@gov.scot>; [redacted] <redacted@gov.scot>

**Subject:** RE: CAB SEC CLEARANCE - BIDS - Football sectarianism - STV & BBC

PO, Cab Sec,

There has been a slight amendment to the lines with a focus on Hate Crime rather than sectarianism as it has been brought to our attention by officials that the songs that were sung were racist rather than sectarian.

Please see the below amended response for Mr Yousaf's clearance:

**A Scottish Government spokesman said:**

“Hatred and bigotry of any kind is completely and utterly unacceptable to the Scottish Government and the vast majority of Scots.

“Scotland is a diverse, multicultural and multi-faith society and we are fully committed to tackling all forms of bigotry, prejudice and racism, including anti-Irish racism.

“We support Police Scotland in taking appropriate and proportionate action to safeguard public safety.”

**Background**

Later this year The Scottish Government will work with stakeholders to develop a new hate crime strategy, which will include implementation of the Hate Crime and Public Order (Scotland) Act 2021.

Many thanks

[redacted]

[redacted] | Media Manager

**Communications Justice and Constitution / External Affairs and Culture**

Scottish Government, St Andrew's House

e: redacted@gov.scot

m: [redacted]

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**From:** [redacted]

**Sent:** 30 August 2021 11:24

**To:** Cabinet Secretary for Health and Social Care <redacted@gov.scot>

**Cc:** News Desk <redacted@gov.scot>; Communications Justice

<redacted@gov.scot>; [redacted] <redacted@gov.scot>; [redacted]

<redacted@gov.scot>; [redacted] <redacted@gov.scot>; Cabinet Secretary for Justice and Veterans <redacted@gov.scot>; [redacted] <redacted@gov.scot>

**Subject:** CAB SEC CLEARANCE - BIDS - Football sectarianism - STV & BBC

Good morning PO/Cab Sec,

We've been approached for bids by STV and BBC in relation to the anti-irish racism reported after the Old Firm game at the weekend.

STV are looking to speak with Mr Yousaf following his tweets regarding the events, to get his reaction to the videos. BBC are looking to speak to a Minister/Cab Sec about the march and Rangers fans walking under the Heilan man's umbrella off Argyle Street in Glasgow, where they can be clearly heard singing a sectarian song.

Comms, SpAds and policy suggest to **DECLINE** the bid and offer the below statement instead on the basis that we have nothing further to add than what is in

the statement below. I have also contacted PS to ask for their lines in response to this and will update the chain once we have these.

I'd be grateful for Mr Yousaf's clearance to **DECLINE** the bid and issue the below statement instead.

**[Redacted under section 30(b)(i) for the free and frank provision of advice – see above for finalised lines].**

Many thanks  
[redacted]

**[redacted]** | Media Manager  
**Communications Justice and Constitution / External Affairs and Culture**  
Scottish Government, St Andrew's House  
e: redacted@gov.scot  
m: [redacted]

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**From:** [redacted] <redacted@stv.tv>  
**Sent:** 30 August 2021 09:20  
**To:** [redacted] <redacted@gov.scot>  
**Subject:** STV request - Football sectarianism

Morning [redacted],

Thanks for chatting on the phone. We're looking to speak with Humza Yousaf following his tweets regarding the anti-Irish racism that was reported after yesterday's Old Firm derby football match. It would just be to get his reaction to the videos, what needs to be done to prevent this happening in future etc.

Ideally this would be before 1pm so we could use the clip throughout our lunch and evening news bulletins.

If another government spokesperson/minister is available, that would also work.

Let me know if you need any more information.

Many thanks,  
[redacted]

**[redacted]** | **Assistant Producer - STV News at Six**  
mob: [redacted] | email: [redacted@stv.tv](mailto:redacted@stv.tv) | twitter: [redacted]  
STV | Pacific Quay | Glasgow | G51 1PQ | switchboard: 0141 300 3000  
*Please consider the environment before printing this email*

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**From:** [redacted] <redacted@bbc.co.uk>

**Sent:** 30 August 2021 10:04

**To:** [redacted] <redacted@gov.scot>

**Subject:** Fans

Hello [redacted]

I was wanting to bid for a minister and ask for a statement on the march of Rangers fans walking under the Heilan man's umbrella off Argyle Street in Glasgow after the game yesterday where they can be clearly hears singing a sectarian song.

Thanks

[redacted]

[redacted]

**END**