

## **Independent Review of Marches and Parades in Scotland Response of the Scottish Council of Jewish Communities**

The Scottish Council of Jewish Communities is the representative body of all the Jewish communities in Scotland comprising Glasgow, Edinburgh, Aberdeen and Dundee as well as the more loosely linked groups of the Jewish Network of Argyll and the Highlands, and of students studying in Scottish Universities and Colleges.

In preparing this response the Scottish Council of Jewish Communities has consulted with a range of people from across the different Scottish Jewish communities who have particular knowledge of or concerns about the subject of marches and parades. They include people with practical experience of the system as it currently operates who made recommendations for engaging with local communities, as well as the lay leadership of communities whose views on determining when to restrict, refuse or re-route marches informed that aspect of this response.

We welcome the independent review of procedures for authorising marches and parades in Scotland and recognise that this is a difficult area, dealing as it does with the rights to free speech and to hold political opinions openly. In addition, some communities regard marching is a matter of tradition and it is a long-established and cherished practice for them. However, the right of one community to march may impinge on the safety and feelings of vulnerability of other communities, and it is important that this is fully taken into account when decisions are made.

### **The basis for determining when to restrict, refuse or re-route marches and parades**

Scotland is an increasingly multicultural country and people of many different ethnicities and religions live geographically close together. Furthermore, a not inconsiderable number of these are either first- or second-generation refugees with a history of persecution and a fear of future repetition, and we would urge Sir John to take this factor into account when writing his report.

This is not mere conjecture. For example, research in Canada has shown that, as a result of their experiences in the holocaust, Jewish people are reluctant to identify themselves as such to government and other official bodies. As a result it has been suggested that the 2001 census figure of 6580 Jewish people living in Scotland might be 27% lower than the actual figure.

The majority of Jewish communities across Scotland are small, and their historical memory, combined with feelings of isolation and vulnerability, adds to the general unease felt by many in the wider Scottish population at the prospect of marches such as the one the National Front propose to hold in Aberdeen on St Andrew's Day 2004.

We fully appreciate the difficulties involved in situations such as this, and are entirely supportive of the right to free speech, but we would stress the importance of balancing rights and duties to ensure that protecting the rights of one sector of the community does not cause damage to the rights and freedoms of other sectors. (Article 10 European Convention for the Protection of Human Rights and Fundamental Freedoms '*Freedom to manifest one's religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others*')

### **The period of notice required to be given to local authorities, the police and communities for proposed marches and parades**

We would emphasise the importance of involving vulnerable communities in the decision-making process. This should be the case for the overall decision as to whether a march can proceed and also with regard to matters such as setting the route. Bearing in mind the need to identify and contact the appropriate people in communities that may be affected, we suggest that the period of notice should certainly be longer than the current period of 7 days. It is something of an anomaly that, under proposals put forward in the draft Charity Law Bill, carol singers will have to give 28 days notice, considerably longer than that now required for a large and possibly disruptive political march.

### **The best way to ensure community input into decisions about marches and parades**

As mentioned above, it is essential that the appropriate people in each local community should be contacted during the decision-making process. It is to be hoped that the local authority and police already have contacts within local communities, and we recommend that mechanisms are put in place for consulting quickly and effectively when the need arises.

There may also be individual people, not part of any established local community, who wish to inform decision-making about marches and parades, and we therefore recommend that the period of notice should be adequate to allow for proposed marches and parades to be announced widely in the local media. Where appropriate this should include community-specific newspapers (for example the Jewish Telegraph newspaper), and information should also be made available in local minority languages. We would like to stress that the decision-making process should be straightforward and transparent in order to facilitate effective community involvement.

### **The costs of policing marches and parades**

Bearing in mind the right of people in a democracy to free speech and association we believe that it is not unreasonable for legitimate public money to be spent on the policing of marches and parades. Where, however, the police are concerned that disproportionate resources would have to be employed to avoid a threat to public order and safety, we would recommend that this should be a factor in the decision-making process.

### **Summary**

In conclusion, the Scottish Council of Jewish Communities supports the right of free speech, one element of which is the right to hold marches and parades. We do, however, believe that this right must be used responsibly, and that organisers and local authorities concerned must take this into account when deciding whether a march can proceed. We would stress that it is essential that members of the local community should be involved in the decision-making process, and that procedures are such as to make this involvement a practical proposition for individuals and groups who may be unused to the political process.