

## Public Petitions Committee call for evidence on the admissibility of petitions 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.

We support the principle of the public petitions' system, and welcome the opportunity it provides for members of the public to raise issues for the consideration of the Scottish Parliament. The popularity of this provision is evident from the variety of petitions submitted and the wide cross-section of individuals and organisations submitting them.

Bearing in mind that *'The public petitions process is a key part of the Scottish Parliament's overall commitment to openness and accessibility'* we would like to comment on one aspect of the Public Petitions Committee's current practice which we believe falls short of *'the Scottish Parliament's overall commitment to openness and accessibility'* (Scottish Parliament website, Guidance on the Submission of Public Petitions).

We note that: *'All petitioners will be sent a written acknowledgement when their petition has been received. They will also be invited to make a written request to address the Committee in support of their petition.'* and that such presentations are given priority when this: *'would assist in the Committee's consideration of a petition, particularly those which address a completely new topic.'* (ibid.)

We agree entirely that Committee members should be given every opportunity to acquaint themselves with the issues addressed in petitions, but suggest that currently they may not always be provided with enough information to enable them to achieve this.

The majority of petitions are presented in terms of general policy issues. A minority have, however, requested the Committee to consider the activities of particular organisations. We believe it to be of the utmost importance that any individual or organisation named in a petition should, as a matter of course, be informed of the petition and should be invited to make a written submission to the Committee in advance of the petition's first hearing. In addition it may on occasion be appropriate for any such named individual or organisation, as well as the Petitioner, to be invited to address the Committee. Failure to do so may in certain cases be in breach of ECHR Article 6, and in any case compromises the Committee's ability to make well-founded and appropriate recommendations.

Our opinion on this matter has been reinforced by our observation of the handling of a recent petition, PE779, which has now been closed. This petition makes serious and untrue allegations against a Jewish charity. This is not the place to discuss the specific allegations, but the principle that concerns us is one of Natural Justice: the charity's activities were misrepresented by the Petitioner for political reasons, but neither the charity itself nor anyone else in the Jewish community was offered the opportunity to comment or provide the Committee with information.

As a result of this omission, discussion in the Public Petitions Committee was completely one-sided. This is not a criticism of the MSPs concerned, who lacked adequate information to give the subject full and balanced consideration. But a system which fails to ensure that a party named in a petition is given the opportunity to respond is in breach of the basic principles of Natural Justice.

In addition, this is in fact contrary to the existing remit of the Public Petitions Committee which states that: *'[its] initial consideration generally includes .... seeking comments from various organisations with an interest in the issues raised by each petition.'* [our emphasis]. Clearly, however, that is not mandatory, as it did not happen on this occasion, and **we therefore urge the Committee to seek a change to Rule 15.6 of the Parliament's Standing Orders in order to ensure that any organisation or individual referred to in a petition must without exception be afforded the opportunity to submit relevant information to the Committee.**