

Inquiry into the public petitions process Evidence from the Scottish Council of Jewish Communities

The Scottish Council of Jewish Communities (SCoJeC) is supportive of the Public Petitions process as a mechanism that facilitates both public engagement with the Scottish Parliament, and Scottish Parliament engagement with issues of concern to people in Scotland, and welcomes the opportunity to participate in this Inquiry. Although we have not ourselves submitted a petition, we have given evidence to the Committee on a number of occasions, and that experience has informed our evidence.

1) Investigate, identify and implement measures to improve awareness of, access to, and participation in the public petitions process

Raising awareness of the public petitions process

SCoJeC strongly upholds the right of communities, organisations, and individuals to speak on their own behalf rather than being spoken for by "gatekeeper" organisations. However, it is clear that many organisations lack the resources to monitor the activities of Parliament and other relevant bodies, and so can often be unaware of issues that may seriously affect them. This is obviously particularly true of minority communities.

It is clear that this problem cannot be overcome from the centre, either by the Committee, or even by the Scottish Parliament as a whole, and it is therefore necessary to enlist the active and altruistic support of a wide range of organisations to disseminate relevant information, free of charge, within their own sectors. It is particularly important that this dissemination is free of bias, and does not seek to impose any particular view on the recipients of the information, and also that distributing organisations do not take it upon themselves to claim to speak for all of those to whom they distribute information unless explicitly authorised to do so.

We have, for the last three years, been engaged in a project of this nature, with the object of facilitating and supporting organisations in minority ethnic and faith communities to speak for themselves, and, to this end, produce a weekly electronic bulletin of information relevant to minority communities in Scotland. *MEMO*,¹ is a partnership project with BEMIS, the umbrella organisation of ethnic minority communities in Scotland, and has recently been awarded Scottish Government support through the Race, Religion, and Refugee Integration Fund. It is circulated to a very large number of minority organisations in Scotland, many of which then circulate it further among their own members. It brings together a wide range of information, amongst which is information about the presentation and consideration of relevant new and ongoing petitions, and the wider work of the Public Petitions Committee. (For example, a note of this Inquiry and link to the relevant page on the Scottish Parliament website have been published in *MEMO*, and weblinks to the relevant sections of the Official Report will be included in *MEMO* on each occasion that the Committee considers the Inquiry, as will the link to the Committee's final report. The "headline and weblink" format enables readers to see at a glance what may be of interest to them, and immediately access additional information on those subjects.)

In addition, for the same large distribution group, we have produced a *MEMO+* guide to engaging with Scottish Parliament Public Petitions procedure².

¹ Back issues of *MEMO* are available online at http://www.scojec.org/memo/memo_2008.html

² *Public Petitions in the Scottish Parliament* is available online at http://www.scojec.org/memo+/2008/08i_public_petitions.pdf

The feedback we have received has been extremely positive, and we are aware that some organisations and individuals that had not previously engaged with the Scottish Parliament and other public bodies, have done so as a direct result of receiving the relevant information in an easily accessible form. **We therefore recommend the Committee to investigate whether organisations in other sectors, such as disability, sport, and the arts, already undertake similar projects, or might be encouraged to do so in order to widen public access to information.**

Search facility

The search facility on the Public Petitions Committee page of the Scottish Parliament website currently only permits searches by PE number. This information is likely to be known only to organisations and individuals who are already aware of or are involved with a petition, and **we recommend that the facility should be extended to enable searches by keyword**, as is currently the case for Parliamentary Motions. This would, for example, enable someone considering submitting a petition on a particular subject easily to locate any previous petitions on the same subject, and thereby access links to relevant Committee discussions and reports.

Alternatively, a link could be provided to the site-wide "advanced search" facility on the Scottish Parliament homepage, since this permits keyword searches for petitions (though this is not evident from the homepage, and is not even mentioned on the Public Petitions Committee page).

2) Identify and implement initiatives to assist in the effective and efficient processing of petitions, including what role ICT can play

e-petitions website

We welcome the e-petitions process as an additional means by which members of the public can engage with the Scottish Parliament and with each other on matters of mutual concern. In particular, the discussion forum provides a useful resource for those wishing to learn more about or to debate the subject of a petition. (Unfortunately, this facility has been shut down for the last few months, and functioned only erratically for several months prior to that.)

However, as with other online discussion forums, it is important to ensure that the e-petition forum is proactively moderated to prevent it being abused to publicise offensive or inflammatory attitudes. We are aware that the clerks have responded to complaints to remove such contributions in the past, but are concerned that they were published at all. Whilst we are firm advocates of freedom of speech, we do not believe it is in anyone's interest that, for example, the Scottish Parliament website should host views such as

"Since Scotland is not, never has been and god forbid, ever will be an islamic country we might at least expect those from such countries with islamic or otherwise similar cruel methods of animal slaughter (the [sic] do it on humans as well) to be aware that if intending to become part of our community they must also observe and respect our laws and ways of life. If they don't like it they should be free to leave." (comment posted in relation to PE1118).

We therefore recommend that contributions to e-petition discussion forums should be pre-moderated to ensure they are not abusive or such as to incite hatred.

3) Investigate existing methods of scrutiny of petitions and implement new methods or practices to further improve scrutiny

Natural Justice

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 to be invited to address the Committee in addition to any address by the petitioner. 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.

In one case, for example, a petition named a Jewish charity, and the background information provided by the petitioner, made serious allegations against that charity. The charity was not, however, notified of this by the Parliament, and only learned that it was the object of calumny and that its activities would be the subject of discussion in the Public Petitions Committee through us, as a result of our routine monitoring of the Scottish Parliament website.

When we raised this matter on a previous occasion, we were advised that this was entirely within the standing orders of the Committee, and that it saw no reason to change them. However, as we have already stated, the vast majority of organisations do not have the resources to undertake regular monitoring, and an organisation's right to know that it has been named in the context of a petition should not be left to chance.

This is not the place to discuss the specific allegations against the charity, but the principle that concerns us is one of Natural Justice: the charity's activities were misrepresented by the petitioner for political reasons, but the charity itself was not offered the opportunity to comment or provide the Committee with information. As a result of this omission, discussion in 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.

We therefore urge the Committee to seek a change to Rule 15.6 of the Scottish Parliament's Standing Orders in order to ensure that any organisation or individual referred to in a petition must, without exception, be notified of the petition and afforded the opportunity to submit relevant information to the Committee.

Note: The Scottish Council of Jewish Communities (SCoJeC) 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. SCoJeC is Scottish Charity SC029438, and its aims are to advance public understanding about the Jewish religion, culture and community. It works with others to promote good relations and understanding among community groups and to promote equality, and represents the Jewish community in Scotland to government and other statutory and official bodies on matters affecting the Jewish community.

In preparing this response we have consulted widely among members of the Scottish Jewish community.