



The Scottish Parliament
Pàrlamaid na h-Alba

The Presiding Officer

Judith Robertson
Chair
Scottish Human Rights Commission
Bridgeside House
99 McDonald Road
Edinburgh
EH7 4NS

11 October 2021

Dear Ms Robertson,

Thank you for your letter.

As you know, the Scottish Parliament welcomes and facilitates thousands of protestors all year round as an important part of the expression of democracy in Scotland. This will continue. The designation of the Parliament as a protected site will have no bearing on campaign groups, trade unions and other organisations or individuals who protest in a robust but peaceful way at Holyrood.

The decision on applying to become a protected site was unanimously agreed by the Scottish Parliamentary Corporate Body (SPCB) in June 2021. The SPCB is elected by the Parliament to take decisions regarding its statutory functions under section 21 of the Scotland Act 1988. As part of these functions, it is incumbent on the SPCB in terms of its legal duties and obligations, as both an employer and as the owner occupier, to provide a safe and secure parliamentary estate. Designation as a protected site provides us with additional protection because of the Scottish Parliament's importance in the context of national security.

While you will appreciate that it would not be appropriate to share confidential security advice, the SPCB received comprehensive security assessment and advice from Police Scotland recommending application for designated site status for the parliamentary complex. The powers this provides will only be used in exceptional cases in the event of very disruptive or dangerous activities which impede the Parliament's democratic role, the safety of those working in or visiting the Parliament or the rights of others to engage with the Parliament in a wide variety of ways. We are satisfied that the powers are an appropriate mechanism to have available for such circumstances.

We take very seriously our duty to protect individuals' right to protest. We will only request that Police Scotland invoke the powers provided by protected site status after we have satisfied ourselves that this is proportionate and in line with the restrictions detailed in Articles 10 and 11 of the ECHR. As you would expect, we have been in discussion with Police Scotland over a period of time to agree a protocol for the exercise of the powers. Following any request from us to invoke the powers provided by protected status, Police Scotland will go through its own assessment of proportionality in line with human rights laws.

Yours sincerely

A handwritten signature in black ink that reads "Alison Johnstone". The signature is written in a cursive style with a large initial 'A' and 'J'.

Alison Johnstone MSP
Presiding Officer