

Police Scotland submission of 10 January 2024

PE2049/B: Introduce buffer zones outside migrant accommodation

I refer to your email of 8 December requesting Police Scotland respond to a petition lodged with the Citizen Participation and Public Petitions Committee of the Scottish Parliament for consideration to be given to introducing buffer zones outside migrant accommodation. This is in response to concerns about demonstrations taking place outside hotels that are being used to temporarily house refugees and asylum seekers.

The proposal is primarily a matter for Scottish Government to consider, however any policing response provided by Police Scotland in respect of protest activity is based on each individual instance and can vary greatly. Police Scotland considers that police powers are currently sufficient to address any unlawful behaviour which may arise in the vicinity of any migrant accommodation as a result of such protests.

Police Scotland has a proven track record of policing and facilitating peaceful protest. Articles 9 (the right to freedom of thought, conscience and religion), 10 (The right to freedom of expression) and Article 11 (the right to freedom of association), under the European Convention of Human Rights (ECHR), all have to be routinely balanced by Commanders when considering how best to police protests.

Consideration will always be given to these rights when they are at odds with legislation in a practical setting (i.e. primacy of legislation). In the context of the potentially affected ECHR rights, they may be interfered with by a public authority on grounds of public safety, public order, health or morals, and the rights and freedoms of other people.

There is an anticipated resourcing implication for police given that protests of this nature can be frequent, spontaneous and prolonged. It may also be reasonably anticipated that newly created safe zones will cause increased policing demand to both educate and enforce the legislation. Approaches would range from no police attendance unless called to deal with an emerging incident, to providing a passing police attendance if considered that assurance was required, to a planned or spontaneous deployment of police including Public Order or other specialist officer deployment.

I trust this information is helpful, but should you wish to discuss this matter further please contact my office.