

Chief Constable Sir Iain Livingstone QPM
PO BOX 2460
Dalmarnock
Glasgow
G40 9BA

Via email to: cc.office@scotland.pnn.police.uk

22 September 2022

Dear Sir Iain,

Policing Anti-monarchy Protests

I write in connection with certain police actions during the period of National Mourning for Her Majesty Queen Elizabeth.

As Scotland's National Human Rights Institution, we have a statutory duty to promote human rights and to encourage best practice in relation to human rights. We acknowledge Police Scotland's commitment to upholding human rights while keeping people safe.

We are aware of reports of recent Police actions in connection with individuals apparently engaged in forms of non-violent protest. We understand these actions include arrest and subsequent charges for Breach of the Peace and/ or section 38 of the Criminal Justice and Licensing (Scotland) Act 2010.

Peaceful protest is fundamental component of any democracy and actions of this sort potentially engage the protestors' rights under Article 10 ECHR (Freedom of Expression) and/or Article 11 ECHR (the Right to

Freedom of Peaceful Assembly and Association). Where these rights are engaged, restrictions will only be permitted where they are lawful, necessary and proportionate.

Without commenting on current criminal proceedings, we are concerned that some of the Police's actions over the last week could be seen as disproportionate and may have a 'chilling' effect on future protests.

We recognise that the period of National Mourning was a unique set of circumstances, with each situation providing different challenges in terms of maintaining public order and upholding individuals' rights. Although this period has concluded, public debate about the role of the monarchy is likely to continue in the period leading up to the Coronation of King Charles III.

It is therefore an opportune moment to reflect on the importance of the right to peaceful protest, and the critical nature of Police Scotland's role in respecting, protecting and fulfilling that right.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'I Duddy', with a long horizontal flourish extending to the right.

Ian Duddy
Chair, Scottish Human Rights Commission