

Public Order Bill Committee

Written evidence submitted on behalf of Bond, 13 June 2022

About Bond

1. Bond is the UK network for organisations working in international development, humanitarian assistance and peacebuilding. We have over 400 members ranging from large international non-governmental organisations (NGOs) with a worldwide presence, to small specialist agencies who work on a single issue or with a particular community. Campaigning is a core function of many of our member organisations as it enables them to address the root causes of problems and contribute to social change. At Bond we work with our members to support them to understand the legal and policy frameworks that regulate campaigning and to improve the political and operating environment for campaigners in the UK and globally.

Summary

2. Protest is fundamental to all democratic and open societies and is protected by international law. We believe it is important that the UK sets a positive international example on the protection of the right to freedom of assembly and the protection of human rights defenders, which includes environmental activists. In our view, the Public Order Bill is inconsistent with our existing international commitments in these areas and will further undermine the ability of the UK to push for global action to counter authoritarianism, promote open societies and protect human rights. As such, we urge members of the Public Bill Committee to oppose the Bill by supporting stand part amendments during Committee Stage.

The importance of protests

3. Protest is integral to a healthy democracy and open society, and it is a fundamental right. Demonstrations are an essential means for people to raise awareness of issues that affect their lives and call for change, alongside more formal routes such as direct engagement with decision makers or the printed and broadcast media. Protests are especially important for those groups who are less able to use these routes or for whom they have proven ineffective. For these people, protests are often the only means of ensuring their voices are heard and their rights are protected. Many of our current rights, such as the right to vote, were achieved in part due to protests. Demonstrations are also an opportunity for people to come together, promote collective agency and can foster a sense of civic pride.
4. Protests by their very nature may be noisy and disruptive and international law clearly states that: "Peaceful assemblies can in some cases be inherently or deliberately disruptive and require a significant degree of toleration."¹

¹ UN Human Rights Commission. (2020). [General Comment No. 37](#). para 44

Right to protest under International and Domestic Law

5. The right to freedom of assembly and association protects the right to protest and to hold demonstrations and organise gatherings. These are fundamental human rights enshrined in both international, regional and domestic law. They are protected under Article 21 and 22 of the [International Convention on Civil and Political Rights](#), Article 11 of the [European Convention on Human Rights](#), and Article 11 the [Human Rights Act 1998](#).
6. The Council of Europe (Venice Commission) notes that: “Freedom of peaceful assembly is recognized as a fundamental right in a democratic society and should be enjoyed, as far as possible, without regulation.”² General Comment 37 agreed by the United Nations Human Rights Council in 2020 makes it clear that governments have both positive and negative duties when it comes to protecting the right to assembly.³
7. In his report to the UN General Assembly, the Special Rapporteur on the rights to freedom of peaceful assembly and of association noted that “it is particularly important that States recognize and provide space for civil disobedience and non-violent direct-action”.⁴

Protests and disruption

8. Many demonstrations are by their very nature disruptive as their objective is to attract attention to the cause they are promoting. The UN Human Rights Council General Comment on the right to peaceful assembly, agreed in September 2020, states: “State parties should not rely on a vague definition of ‘public order’ to justify overbroad restrictions on the right of peaceful assembly. Peaceful assemblies can in some cases be inherently or deliberately disruptive and require a significant degree of toleration”.⁵ Disruption should be tolerated by states unless it is disproportionate. In the UK, it is our view that the courts are already well equipped to establish whether a specific protest has caused disruption that has been disproportionate.
9. Tactics used to cause disruption, such as locking-on or road blocking are not new and are recognised internationally as legitimate means of protest. For example, in his report to the UN General Assembly, the Special Rapporteur on the rights to freedom of peaceful assembly and of association emphasised that road blocking is a legitimate means of protesting.⁶ In the UK, many activities that cause disruption are already subject to criminal charges where this is found to be disproportionate and there are many examples where those involved have been arrested, charged and convicted under the existing law. These include the blocking of roads, aggravated trespass and criminal damage.

² OSCE/ODIHR – Venice Commission. (2020). [Guidelines on Freedom of Peaceful Assembly](#) (3rd edition), para 21.

³ UN Human Rights Commission. (2020). [General comment No. 37](#).

⁴ Voule, C. N. (July 2021). [Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association](#), para 64.

⁵ UN Human Rights Commission. (2020). [General comment No. 37](#), para 44

⁶ Voule, C. N. (July 2021). [Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association](#), para 63

Draconian and unnecessary powers

10. The Public Order Bill is a significant escalation of restrictions on protests, expanding protest related offences, extending of stop and search powers and introducing Serious Disruption Prevention Orders. When similar measures were introduced during the passage of the Police, Crime, Sentencing and Courts Act earlier this year, Lords voted overwhelming to reject the measures. We believe these powers are draconian and unnecessary.
11. We will not go into detail on specific provisions, as this has been done by others including [Liberty](#) and [Amnesty International UK](#). We support the position put forward by Liberty and others that there is no case for these new powers and that existing laws – including the Public Order Act and the new Police, Crime, Sentencing and Courts Act – already favour authorities over protesters.⁷ We note that this is a view shared by many in the police. According to Liberty, during the judicial review of the ban on Extinction Rebellion protests, the Commissioner of the Met Police at that time “conceded she was satisfied that there were sufficient powers in the [1998] Public Order Act to allow them to legally deal with protests that, even in design, were attempting to stretch policing to the limits”.⁸
12. We agree with the view put forward by others including Amnesty International that these measures will have a broader “chilling effect” on protests. We are particularly concerned with Part 2 on Serious Disruption Prevention Orders (SDPOs), which among other things could ban individuals from participating in protest (even without conviction) and require electronic monitoring. We note that when similar protest banning orders were previously proposed, they were not supported by the police, Her Majesty’s Inspectorate of Fire and Rescue Services (HMICFRS) or the Home Office. HMICFRS’s report ‘Getting the Balance Right?’ said: “We agree with the police and Home Office that such orders would neither be compatible with human rights legislation nor create an effective deterrent.”⁹ We also note the oral evidence given by Adam Wagner QC to the Bill Committee on 9 June 2022, in which he said these measures will result in many more people going to prison for protest related offences.

Undermines UK role internationally

13. The UK has repeatedly stated its commitment to protecting civic space and open societies internationally. The Integrated Review of Security, Foreign, Development and Defence Policy published in 2020, recognised rising authoritarianism as a major threat the global security and stated that the UK’s “efforts to reverse this decline in global freedoms must **start at home, with open societies working together**”.¹⁰ At the UN, it has repeatedly spoken up in support of human rights defenders (a category which includes environmental activists).

⁷ Liberty (May 2022). [Liberty’s briefing on the Public Order Bill for Second Reading in the House of Commons](#).

⁸ Liberty (May 2021). *Response to independent adviser on political violence and disruption’s call for evidence*.

⁹ HMICFRS (March 2021). [Getting the balance right? An inspection of how effectively the police deal with protests](#). Page 16.

¹⁰ Cabinet Office. (March 2021). [Global Britain in a Competitive Age: the Integrated Review of Security, Defence, Development and Foreign Policy](#) Page 47, Emphasis their own.

14. In his closing statement to the 49th Session of the UN Human Rights Council in April 2022, Lord Ahmad of Wimbledon recognised the crucial role played by human rights defenders in society and welcomed the UN resolution on human rights defenders.¹¹ The resolution which was co-sponsored by the UK recognised that the pandemic had exacerbated existing challenges for human rights defenders globally, including greater restrictions on right to assembly.¹²
15. We note the UK has been a vocal supporter of protestors globally and has issued statements on protests in [Belarus](#), [Columbia](#), and the sentencing of pro-democracy protesters in [Hong Kong](#). Yet, as Amnesty International UK has demonstrated, the Public Order Bill introduces repressive policies similar to those in Russia and Belarus.¹³ At a time when the right to protest is under attack around the world, the UK should be setting a positive example, rather than making it harder for people to protest.

Conclusion

16. By restricting protest and the right to freedom of assembly and association, we are concerned that the Bill will have a negative impact on human rights and democracy in the UK, especially the ability of citizens and people living in the UK to campaign for social change. As such, we urge members of the Public Bill Committee to oppose the Bill by supporting stand part amendments during Committee Stage.

¹¹ Lord Ahmad of Wimbledon. (April 2022). [UN Human Rights Council 49: UK closing statement - Speech](#)

¹² International Service for Human Rights. (November 2021). [UNGA76: Third Committee acknowledges human rights defenders' critical role in pandemic responses](#)

¹³ Amnesty International UK (May 2022). [Amnesty International UK Briefing - The Public Order Bill \(Second Reading\)](#)