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CRIME AND POLICING BILL: LIBERTY'S SUBMISSION TO THE PUBLIC BILLS COMMITTEE

POVERTY, PROTEST AND PUNISHMENT: THE CONTEXT BEHIND THE CRIME AND POLICING BILL 2025

1. The Crime and Policing Bill 2025 arrives amid deepening poverty and political pressure to “restore order” in public space. It introduces sweeping new police and council powers that risk criminalising two vulnerable groups in particular: those in poverty, and those who protest injustice.
2. The socioeconomic backdrop is stark. Inflation and the cost of essentials remain high, while welfare provision and housing availability have failed to keep pace with need.¹ In 2022/23, over 14.3 million people in the UK were living in poverty, including 8.1 million working-age.² Food and fuel poverty are widespread, with 77% of people on Universal Credit or disability benefits reporting that they went without basic essentials in the last six months.³ Rough sleeping is up 20% in a year and now 164% higher than in 2010 and over 78,000 families with children in temporary accommodation.⁴
3. Instead of addressing the root causes of poverty—like inadequate housing, mental health care, and social security—the Bill leans heavily on criminal justice. This approach undermines existing efforts to tackle homelessness, including the Government’s £1 billion pledge to reduce rough sleeping in 2025–26.⁷
4. Clause 1 introduces Respect Orders, a rebranded version of ASBOs, enabling harsh penalties for vague “anti-social” conduct often linked to survival, not harm. Manifesto Club’s research from April 2025 shows that Respect Orders replicate existing ASB Civil Injunctions, which have already led to over 400 imprisonments—often for non-criminal, poverty-related behaviour such as begging or feeding birds. Between 2020 and 2024, nearly half (49.8%) of breach cases resulted in immediate imprisonment, with Gypsy and Traveller defendants

¹ Amnesty International. 2025. *Social Insecurity*. Available at: https://www.amnesty.org.uk/files/2025-04/Social%20Insecurity%20Amnesty%20UK%20report%20NEW.pdf?VersionId=RFM950TwfsQ_GGUZutTqKW73aaH1sNts; Cara Pacitti. Resolution Foundation. 2025. *The Resolution Foundation Housing Outlook Q1 2025*. Available at: <https://www.resolutionfoundation.org/app/uploads/2025/01/HO-Q1-2025.pdf>

² Joseph Rowntree Foundation. 2024. *UK Poverty 2024: The essential guide to understanding poverty in the UK*. Available at: <https://www.jrf.org.uk/pdf/15391>

³ Trussell. 2025. *Almost one in five people receiving Universal Credit and disability benefits used a food bank in the last month*. Available at: <https://www.trussell.org.uk/news-and-research/news/almost-one-in-five-people-receiving-universal-credit-and-disability-benefits>

⁴ Ministry of Housing, Communities & Local Government. 2024. *Statutory homelessness in England: financial year 2023-24*. Available at: <https://www.gov.uk/government/statistics/statutory-homelessness-in-england-financial-year-2023-24/statutory-homelessness-in-england-financial-year-2023-24>

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facing an 80% rate of immediate custody, and 57% of defendants unrepresented at hearings.⁵ Despite claims of reclaiming public space, there is no evidence existing ASB powers are lacking. In fact, councils and police have repeatedly misused them to target begging, rough sleeping, and minor nuisance. Rather than fixing this, the Bill lowers thresholds and adds powers—risking further criminalisation of poverty at a time of record homelessness.

5. At the same time, the Bill intensifies the clampdown on protest. Clauses 86-88 introduces a power to ban face coverings at protests – something that will disproportionately impact disabled people, Muslim women and dissidents. There have also been reports of further government amendments to restrict protest which have not yet been published.
6. This fits within a broader trend of shrinking protest space. Between 28 June 2022 and 31 March 2024, police-imposed conditions on at least 712 protests in England and Wales. This includes restrictions on routes, times, noise levels, or gatherings near sensitive locations. Far from protecting democratic rights, this Bill adds yet more low-threshold offences and surveillance powers that deter participation, undermine trust in policing, and risk breaching the UK's human rights obligations.

A BLUEPRINT FOR OVERREACH AND OVER-CRIMINALISATION

7. **Clause 1 – Respect Orders:** Clause 1 introduces new civil Respect Orders, intended to replace existing ASB injunctions for adults. These orders, imposed on a mere civil "balance of probabilities," criminalise any breach, punishable by imprisonment. However, the proposed Respect Orders are attempting to effectively resurrect the widely discredited Anti-Social Behaviour Orders (ASBOs), previously scrapped due to ineffectiveness, misuse, and disproportionate impacts on marginalised groups.⁶ Research from JUSTICE in 2023 demonstrates civil orders historically have had limited success in reducing ASB or rehabilitating offenders, instead disproportionately affecting marginalised populations, including homeless individuals, Gypsy and Traveller communities, and those experiencing mental health difficulties.⁷ Furthermore, the proposed orders' broad definitions of ASB and vague criteria for imposing restrictions (the "just and convenient" test) invite inconsistent enforcement, increasing the risk of criminalising trivial conduct or behaviours linked to vulnerability rather than genuine antisocial harm.⁸ Historical cases illustrate punitive ASB

⁵ Manifesto Club. 2025. *Imprisoned for feedings the pigeons: The use and abuse of ASB injunctions*. Available at: <https://manifestoclub.info/imprisoned-for-feeding-the-pigeons-the-use-and-abuse-of-asb-injunctions/>

⁶ Browne Jacobson. 2025. *Respect order: Will they actually make a difference*. Available at: <https://www.brownejacobson.com/insights/respect-orders-will-they-actually-make-a-difference>

⁷ JUSTICE. 2023. *Lowering the Standard: Behavioural Control Orders in England and Wales*. Available at: <https://files.justice.org.uk/wp-content/uploads/2023/11/06143241/Lowering-the-Standard-a-review-of-Behavioural-Control-Orders-in-England-and-Wales-September-2023.pdf>

⁸ Association of Chief Police Officers of England, Wales and Northern Ireland. UK Parliament – Public Bill Committee. *Anti-Social Behaviour, Crime and Policing Bill - Written evidence from the Association of Chief Police Officers of England, Wales and Northern Ireland 2013*. Available at: <https://publications.parliament.uk/pa/cm201314/cmpublic/antisocialbehaviour/memo/asb05.htm>

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powers have often criminalised poverty-related behaviours without enhancing community safety or reducing underlying causes of disorder.⁹

8. **Clause 2 – Youth and Housing Injunctions:** Clause 2 retains separate civil injunction regimes specifically for under-18s ("Youth Injunctions") and housing-related cases ("Housing Injunctions"). Extending civil ASB powers to children as young as 10 raises serious concerns, particularly as England and Wales already have among the lowest ages of criminal responsibility in Europe. Research from the Local Government Association in 2022 indicates early criminalisation increases long-term offending and reduces life opportunities.¹⁰ Similarly, housing injunctions—applying broad definitions like causing "nuisance or annoyance"—risk arbitrary or trivial enforcement against marginalised social housing tenants. These powers have historically been misused against tenants for relatively minor or poverty-related issues, such as untidy properties or mental health-related disturbances, without effectively addressing genuine antisocial behaviour.¹¹ Evidence from Crisis suggests mediation and supportive interventions (mental health, addiction services, and social care) more effectively resolve such issues than punitive measures.¹²
9. **Clause 3 – Expanded Dispersal Powers:** Clause 3 expands existing police dispersal powers from a maximum duration of 48 hours to 72 hours, aiming to enhance enforcement against ASB. However, research from Liberty and Release in 2023 highlights such dispersal orders typically provide short-term displacement rather than solving underlying behavioural issues.¹³ Repeated dispersals disproportionately affect marginalised groups, notably rough sleepers and young people, exacerbating their social exclusion, disconnecting them from vital support services, and potentially increasing long-term instability.¹⁴ Research from Sheffield Hallam University in 2022 demonstrates that extended dispersal powers fail to deter targeted behaviours and often create resentment or distrust towards authorities, worsening rather than alleviating antisocial tendencies.¹⁵

⁹ Sheffield Hallam University. 2022. *Policing Street Homelessness: Effectiveness of ASB Measures*. Available at: https://www.shu.ac.uk/-/media/home/research/helena-kennedy-centre/projects/pdfs/livingwithinapspo_fullreport_sept2022.pdf

¹⁰ Dr Patricia J. Lucas and Dr Jo Staines. Local Government Association. *Supporting the youngest children in the youth justice system: what works to reduce offending and improve outcomes?* Available at: <https://www.local.gov.uk/publications/supporting-youngest-children-youth-justice-system-what-works-reduce-offending-and>

¹¹ Ben Sanders and Francesca Albanese. Crisis. 2017. *An examination of the scale and impact of enforcement interventions on street homeless people in England and Wales*. Available at: https://www.crisis.org.uk/media/237532/an_examination_of_the_scale_and_impact_of_enforcement_2017.pdf

¹² *ibid*

¹³ Liberty & Release. 2023. *Joint Response to ASB Action Plan: Critique of Expanded Dispersal Powers*. Available at: <https://www.release.org.uk/sites/default/files/pdf/publications/Liberty%20and%20Release%20Submission%20-%20Anti-Social%20Behaviour.pdf>

¹⁴ *ibid*

¹⁵ Sheffield Hallam University. 2022. *Living within a Public Spaces Protection Order: the impacts of policing street homelessness*. Available at: <https://www.shu.ac.uk/centre-regional-economic-social-research/publications/living-within-a-public-spaces-protection-order>

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10. **Clause 4 – Increased Fines for ASB:** Clause 4 proposes significantly increasing Fixed Penalty Notices (FPNs) for breaches of ASB-related measures—such as Public Spaces Protection Orders (PSPOs) or Community Protection Notices (CPNs)—from the current maximum of £100 to £500. Such a drastic increase disproportionately impacts the poorest and most marginalised individuals, who frequently engage in targeted behaviours (e.g., street begging, rough sleeping, loitering) due to extreme poverty and marginalisation.¹⁶ Data indicate that imposing substantial fines upon individuals who cannot realistically pay often leads to unnecessary court prosecutions, spiralling debt, and greater social exclusion, without evidence of improved compliance or behavioural change.¹⁷
11. Moreover, expanding the authority to issue such fines to accredited private personnel or council officers increases risks of misuse, arbitrary enforcement, and over-policing of marginalised groups.¹⁸ Instead, research from JUSTICE in 2023 advocates prioritising outreach and problem-solving approaches—connecting individuals to services (mental health, addiction treatment, housing)—over punitive financial measures that do not address root issues or meaningfully improve community safety.¹⁹
12. Clauses 86–88 create a new offence of wearing a mask at a protest if police “activate” a face-covering ban. Under section 60AA of the Criminal Justice and Public Order Act 1994, police can already order someone to remove a mask if it’s believed to conceal identity, and refusal is an offence. The Bill goes further—allowing police to pre-emptively criminalise all face-coverings at a protest if they believe any offence is “likely” and banning masks would help prevent it. This would turn peaceful, privacy-conscious protesters into offenders, even if they do nothing wrong.

RESPECT ORDERS VS. EXISTING ASB POWERS: RISKS OF MISUSE AND OVER-CRIMINALISATION

13. While Clause 1 introduces Respect Orders as a new flagship tool, it is critical to recognise that the UK already has a broad and heavily utilised ASB framework under the Anti-social Behaviour, Crime and Policing Act 2014. This includes CPNs, Public Spaces Protection Orders (PSPOs), Criminal Behaviour Orders (CBOs), Civil Injunctions, and Dispersal Powers. Many of these have been subject to sustained criticism for misuse, particularly against people experiencing homelessness, mental ill-health, or poverty.

¹⁶ Sheffield Hallam University. 2022. *Living within a Public Spaces Protection Order: the impacts of policing street homelessness*. Available at: <https://www.shu.ac.uk/centre-regional-economic-social-research/publications/living-within-a-public-spaces-protection-order>

¹⁷ *ibid*

¹⁸ JUSTICE. 2023. *Lowering the Standard: a review of Behavioural Control Orders in England and Wales*. Available at: <https://files.justice.org.uk/wp-content/uploads/2023/11/06143241/Lowering-the-Standard-a-review-of-Behavioural-Control-Orders-in-England-and-Wales-September-2023.pdf>

¹⁹ *ibid*

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14. Numerous councils have used PSPOs to ban rough sleeping, loitering, or possessing bedding in public, despite Home Office guidance explicitly warning against such use. CPNs have also been issued with vague or excessive conditions, such as banning a homeless person from “loitering” on a pavement or public road in London—conditions that were later overturned following legal challenge.²⁰ These cases illustrate how ASB powers have been used to penalise visible poverty rather than reduce harm.
15. CBOs and dispersal powers have similarly been applied against marginalised individuals, often disconnecting them from vital support services and creating a revolving door of enforcement and imprisonment.²¹ There is now a clear risk that Respect Orders will replicate these failures, especially given their broad criteria, criminal penalties for breach, and lack of safeguards around necessity and proportionality. The Bill’s proposed risk assessment is a step forward, but it must act as a genuine filter to prevent inappropriate use—not a tick-box exercise. Courts should scrutinise whether the individual’s behaviour stems from unmet needs and whether support, not enforcement, is the appropriate response. Without stronger safeguards and clearer limits, Respect Orders risk becoming “ASBOs by another name”, reinforcing a pattern of over-criminalisation of marginalised people under the guise of public protection.

HUMAN RIGHTS ANALYSIS

CRIMINALISATION OF POVERTY ISSUES

16. **Article 8 ECHR – Private Life, Home and Family Life:** Respect Orders proposed by the Bill clearly engage Article 8, which protects an individual's right to personal autonomy, dignity, private life, family relationships, and the inviolability of the home. The European Court of Human Rights (ECtHR) has explicitly recognised that criminalising survival behaviours such as begging or rough sleeping infringes on human dignity and violates Article 8. For instance, in *Lăcătuș v. Switzerland* (2021), the ECtHR found that criminalising begging by a marginalised individual was disproportionate and unjustifiable as it interfered with the very essence of personal dignity and autonomy.²² Applying this principle to Respect Orders, there is significant risk that broad criteria (“just and convenient”) and subjective interpretation could lead courts to impose disproportionate measures. Excluding people from public spaces essential for survival, support, or social interaction, or even removing individuals from their own homes, without considering less intrusive alternatives, would constitute serious interference with Article 8 rights. The Bill’s current safeguards, including risk assessments

²⁰ Liberty. 2022. *CPN appeal – homelessness provisions*. Available at: <https://www.libertyhumanrights.org.uk/issue/cpn-appeal-homelessness-provisions/>

²¹ JUSTICE. 2023. *Lowering the Standard: Behavioural Control Orders in England and Wales*. Available at: <https://files.justice.org.uk/wp-content/uploads/2023/11/06143241/Lowering-the-Standard-a-review-of-Behavioural-Control-Orders-in-England-and-Wales-September-2023.pdf>

²² European Court of Human Rights. 2021. *Lăcătuș v. Switzerland*, Application no. 14065/15, Judgment of 19 January 2021. Available at: [https://hudoc.echr.coe.int/eng#{%22itemid%22:\[%22001-207377%22\]}](https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-207377%22]})

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of vulnerabilities, are welcome but insufficiently robust without explicit requirements ensuring orders are strictly necessary and proportionate. Courts should rigorously consider alternatives, avoid blanket prohibitions, and provide genuine support to address underlying causes of behaviours targeted as anti-social.

17. **Article 5 ECHR – Liberty and Security:** Although Respect Orders are civil measures, breaches constitute criminal offences punishable by imprisonment, directly engaging Article 5 protections. Article 5 requires detention to be lawful, justified, and non-arbitrary. Respect Orders risk arbitrary detention if conditions imposed are vague, unrealistic, or impossible for marginalised people to comply with—such as those experiencing severe addiction, homelessness, or mental ill-health. Research from Manifesto Club in 2023 highlights frequent misuse of existing CPNs, which have imposed unclear or impossible-to-follow conditions, resulting in inappropriate criminalisation and detention.²³ To comply with Article 5, Respect Orders must set clear, realistic, and understandable conditions tailored to individual circumstances, supported by appropriate guidance and resources.
18. **Article 6 ECHR – Right to a Fair Trial:** Respect Orders present significant fair trial concerns under Article 6, given their hybrid civil-criminal enforcement mechanism. Initially granted under civil standards (balance of probabilities), potentially ex parte, Respect Orders result in criminal prosecution upon breach. Therefore, these orders have the possibility to create a heightened importance on procedural fairness and adequate legal safeguards. Individuals subject to Respect Orders must be provided genuine opportunities for representation, appeal, and meaningful participation at the civil stage, particularly given the severe criminal sanctions upon breach. Additionally, the Bill's prohibition on conditional discharges limits judicial discretion and risks disproportionate sentencing, particularly harming defendants who would benefit from rehabilitative or supportive interventions rather than punitive measures.
19. **Articles 10 and 11 ECHR – Freedom of Expression and Assembly:** Respect Orders and related expanded dispersal powers could indirectly impact freedoms of expression and assembly. Marginalised groups (e.g., homeless individuals) frequently use public spaces to communicate distress (e.g., through peaceful begging or public assembly for safety). Misuse of broad ASB powers, including Respect Orders or dispersal orders, risks infringing these freedoms.
20. Marginalised groups — such as homeless individuals — often use public space to express distress or to assemble for safety or support. Without careful limits, Respect Orders and dispersal powers could be used to suppress such expressions, potentially infringing Articles 10 and 11. The Government should therefore make clear, through statutory guidance and safeguards, that ASB powers must not be used to curtail lawful, peaceful expression or

²³ Manifesto Club. 2023. *Victims of arbitrary power: CPN Case Studies*. Available at: <https://manifestoclub.info/victims-of-arbitrary-power-cpn-case-studies/>

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assembly, particularly where such conduct falls within the scope of protected rights under the ECHR.

21. **Article 14 ECHR – Non-Discrimination:** Respect Orders risk indirectly discriminating against marginalised groups, such as homeless individuals, Gypsy and Traveller communities, and persons experiencing mental ill-health or addiction. Evidence indicates existing ASB measures have been disproportionately applied against marginalised groups, penalising socio-economic status and exacerbating marginalisation rather than addressing underlying issues.²⁴ Monitoring enforcement to detect discriminatory patterns, accompanied by corrective guidance, is critical to prevent indirect discrimination and ensure fair and equitable application of Respect Orders.
22. **International Standards – ICESCR and Criminalisation of Poverty:** International human rights standards, particularly the International Covenant on Economic, Social and Cultural Rights (ICESCR), explicitly condemn criminalisation of poverty-related behaviours such as rough sleeping, begging, or loitering. The UN Special Rapporteurs on extreme poverty and adequate housing underline that homelessness and poverty should be addressed through supportive social policies (housing, healthcare, social security), not punitive measures. Enforcement-driven approaches like Respect Orders risk exacerbating poverty and failing to address root causes, contravening international obligations to progressively realise the right to adequate housing and the right to the highest attainable standard of health.²⁵ Additionally, increasing financial penalties (Clause 4 of the Bill) significantly risks entrenching poverty by imposing unpayable fines on impoverished individuals, worsening their situations without effectively deterring behaviours associated with survival and poverty. Instead, effective interventions prioritise adequate housing provision, healthcare, addiction treatment, and social services, aligning enforcement measures strictly with supportive rather than punitive intentions.

PROTEST ISSUES

23. **Articles 10 and 11 ECHR:** Bans on face coverings at protests under broad conditions, despite peaceful reasons for masking—health, religion, or protection from surveillance are likely to interfere with their enjoyment of Articles 10 and 11. *TPrimov v. Russia*, 2014), and that public authorities must show tolerance towards protest, even where some disruption is expected.²⁶ The lack of a prior exemption for religious or medical face coverings—only allowing a

²⁴ Sheffield Hallam University. 2022. *Living within a Public Spaces Protection Order: the impacts of policing street homelessness*. Available at: <https://www.shu.ac.uk/centre-regional-economic-social-research/publications/living-within-a-public-spaces-protection-order>

²⁵ United Nations Human Rights Council. 2024. *Report of the Special Rapporteur on extreme poverty and human rights and the Special Rapporteur on adequate housing*. UN DocA/HRC/56/61/Add.3). Available at: <https://undocs.org/A/HRC/56/61/Add.3>

²⁶ European Court of Human Rights. 2014. *Primov v. Russia*, Application No. 17391/06. Available at: [https://hudoc.echr.coe.int/eng#{%22itemid%22:\[%22001-144673%22\]}](https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-144673%22]})

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defence after arrest—risks both rights violations and discriminatory enforcement. The ECtHR has made clear in cases *like Taranenکو v. Russia* (2014) that symbolic acts at protests fall within the scope of protected expression.²⁷ The ECtHR has also stated that immigration-related sanctions must not be used in a discriminatory or retaliatory fashion against protestors.²⁸

24. UK Courts have also already sanctioned the use of ASB powers against protest activity in ways that, while justified in individual cases, raise broader questions about the scope and flexibility of the ASB toolkit. In *Dulgheriu v London Borough of Ealing*, a PSPO was upheld that prohibited a wide range of protest activities — including silent prayer and counselling — within 100 metres of an abortion clinic. The Court of Appeal accepted this as a proportionate interference with Article 9, 10 and 11 rights in light of the psychological harm caused to service users.²⁹ Similarly, in *Birmingham City Council v Asfar*, a final injunction was granted against protestors opposing LGBT-inclusive education at a primary school. Despite the protests being motivated by deeply held religious and moral beliefs, the Court found that the impact on staff, children and residents justified restrictions under ASB powers.³⁰ These cases illustrate that local authorities and the courts are willing to use ASB powers to limit protest where the conduct is seen as harmful or persistent, even when it involves protected rights.
25. **Article 8 ECHR – Private, Home and Family Life:** Clause 101 may also interfere with Article 8 rights where removal conditions force individuals to abandon family ties, studies, or employment in the UK. The ECtHR has stressed that even administrative decisions affecting immigration status must consider the impact on private and family life (*Boultif v. Switzerland*, 2001).³¹ The clause allows for police-imposed departure conditions without judicial review, placing excessive power in officers' hands with no balancing assessment of the individual's circumstances.
- **Article 6 ECHR – Right to a Fair Trial:** Clause 101 also raises serious procedural fairness concerns. Accepting a caution with an immigration condition involves admitting guilt, yet the person may not fully understand the immigration consequences or have access to legal advice at the point of decision. There is no formal right of appeal, and no independent oversight by an immigration tribunal. This absence of safeguards undermines the procedural

²⁷ European Court of Human Rights. 2014. *Taranenko v. Russia*, Application No. 19554/05. Available at: [https://hudoc.echr.coe.int/eng#{%22itemid%22:\[%22001-142969%22\]}](https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-142969%22]})

²⁸ European Court Human Rights. 2002. *Cissé v. France*. Application No. 51346/99. Available at: [https://hudoc.echr.coe.int/fre#{%22itemid%22:\[%22001-22369%22\]}](https://hudoc.echr.coe.int/fre#{%22itemid%22:[%22001-22369%22]})

²⁹ *Dulgheriu v London Borough of Ealing* [2019] EWCA Civ 1490. Available at: <http://www.bailii.org/ew/cases/EWCA/Civ/2019/1490.html>

³⁰ *Birmingham City Council v Asfar* [2019] EWHC 3217 (QB). Available at: <http://www.bailii.org/ew/cases/EWHC/QB/2019/3217.html>

³¹ European Court of Human Rights. 2001. *Boultif v. Switzerland*. Application no. 54273/00. Available at: [https://hudoc.echr.coe.int/eng#{%22itemid%22:\[%22001-59621%22\]}](https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-59621%22]})

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guarantees under Article 6 and risks leading to coerced or uninformed decisions with life-altering consequences.

- **Article 14 ECHR – Non- Discrimination:** All three provisions risk discriminatory application. Clauses 86–88 disproportionately affect Muslim women and disabled protestors wearing face coverings, Clause 89 may target youth or racialised protest groups who are more likely to use visual protest materials, and Clause 101 singles out non-UK nationals. The ECtHR has found that indirect discrimination on the basis of immigration status, religion, or ethnicity in the exercise of fundamental rights requires “very weighty reasons” to be justified (*DH v. Czech Republic*, 2007).³² No such reasons are provided in the Bill. Clause 101, in particular, would lead to different outcomes for identical protest conduct based solely on nationality—a clear Article 14 violation when read in conjunction with Articles 10 and 11.
26. Together, Clauses 86–88, 89, and 101 risk creating a significant chilling effect on protest participation. Criminalising masks and pyrotechnics without intent or harm, and threatening deportation for foreign nationals, sends a clear message that protest carries unacceptable risks.⁶ The UN Special Rapporteur on freedom of assembly has condemned such approaches, warning they deter public engagement and erode democratic space.³³ The ECtHR has consistently found that laws which discourage protest through fear of legal sanction undermine Articles 10 and 11 (see *Navalnyy v. Russia*, 2018).³⁴ These provisions risk suppressing the voices of the most marginalised—racialised groups, refugees, religious minorities—who often rely on protest to challenge injustice.

THE WAY FORWARD

CONCLUSION

27. The Crime and Policing Bill 2025 risks entrenching inequality by criminalising both protest and poverty. It revives failed ASBO-style powers through Respect Orders, targeting people already facing homelessness, mental ill-health or marginalisation. As the UN Special Rapporteurs made clear in 2024, “criminalisation is not a rational or proportionate response to enhancing public order and safety.”³⁵ At the same time, it introduces sweeping restrictions on protest—banning face coverings, symbolic items like flares, and threatening non-UK nationals with removal for minor offences.

³² European Court of Human Rights. 2007. *DH v. Czech Republic*. Application no. 57325/00. Available at: <https://hudoc.echr.coe.int/fre#%7B%22itemid%22:%5B%22001-83256%22%5D%7D>

³³ UN Human Rights Council. 2024. Report of the Special Rapporteur on the rights to freedom of peaceful assembly. UN Doc A/HRC/56/61. Available at: https://digitallibrary.un.org/record/4051882/files/A_HRC_56_1_Rev.1-EN.pdf

³⁴ European Court of Human Rights. 2018. *Navalnyy v. Russia [GC]*, Application Nos. 29580/12 and others. Available at: <https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22002-12206%22%5D%7D>

³⁵ United Nations Human Rights Council. 2024. *Report of the Special Rapporteur on extreme poverty and human rights and the Special Rapporteur on adequate housing*. UN Doc A/HRC/56/61/Add.3). Available at: <https://undocs.org/A/HRC/56/61/Add.3>

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28. These measures duplicate existing powers and undermine core rights to freedom of expression, assembly, and non-discrimination. They risk chilling public participation and disproportionately punishing the most vulnerable. Instead of more enforcement, the Government should invest in support—housing, health, and community-led solutions. If Parliament is serious about rights and democracy, these provisions must be amended or removed.

RECOMMENDATIONS

29. Scrap Respect Orders from the Bill entirely. Clause 1 should be removed. There is no compelling evidence base to support introducing Respect Orders. Existing powers under the Anti-social Behaviour, Crime and Policing Act 2014 (such as injunctions, CBOs, and dispersal orders) are already extensive and—where used appropriately—capable of dealing with persistent ASB. Rather than layering on a new enforcement mechanism that reintroduces criminal penalties for civil breaches (repeating the mistakes of ASBOs), the Government should invest in improving the application, oversight and resourcing of existing tools.

30. If Respect Orders are retained, the following safeguards are essential:

- Replace the “just and convenient” threshold with a test of necessity and proportionality, focused on preventing serious harm.
- Include an explicit statutory duty to consider homelessness, disability, and mental health before making an order.
- Make the risk assessment (Section J1) legally binding and subject to court scrutiny.
- Require six-monthly reviews of all Respect Orders to ensure they remain necessary.
- Add a clause explicitly stating that orders must not be sought based solely on conduct stemming from homelessness or poverty.

31. Ensure criminal prosecutions for breach are subject to CPS oversight.

Breach of a Respect Order should not result in automatic prosecution. Require the Crown Prosecution Service to assess the public interest and consider vulnerability and mitigation.

32. Commission a full independent review of existing ASB powers.

The Government should commit to a public review of how ASB tools (PSPOs, CPNs, dispersal orders, etc.) have been used since 2014, with particular focus on their impact on rough sleepers, children, disabled people, and racialised communities. This review should inform any future reform.

33. Redirect funding toward support services, not punitive measures.

Increase investment in:

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- Social housing and supported accommodation
- Mental health and addiction services, with fast-track access routes from ASB teams
- Community mediation and restorative approaches to low-level conflict
- Training for police and local authority staff to recognise vulnerability and engage support before enforcing sanctions

34. Establish independent oversight and reporting mechanisms.

Create a national monitoring panel involving the EHRC, civil society, and frontline experts to track the use of Respect Orders and ASB sanctions. Parliament's Joint Committee on Human Rights should review the use of these powers within 12 months of enactment, with power to recommend legislative amendments.

35. Remove protest-related clauses from the Bill: Clauses 86–88 (mask ban) should be removed. These clauses are unnecessary, duplicate existing powers, and violate fundamental rights including freedom of expression, assembly, and protection from discrimination. Police already have powers under the Criminal Justice and Public Order Act 1994 to have protests remove face coverings. These new offences are overbroad, disproportionate, and risk chilling peaceful protest.

- If protest clauses are retained, is it essential that a “reasonable excuse” defence is embedded into Clause 86 that would exempt religious, health and privacy-related face coverings from criminalisation at the point of arrest.

36. The Government should commission an independent review of the Public Order Act 1986 and all protest-related powers introduced since 2022, including those under the Police, Crime, Sentencing and Courts Act and Public Order Act 2023. The review should assess:

- The cumulative impact of protest restrictions on freedom of expression and assembly under Articles 10 and 11 ECHR;
- The use of conditions, arrests, and surveillance against peaceful protestors;
- Disproportionate impacts on marginalised and racialised groups; and
- Whether existing powers are necessary, proportionate, and compatible with the Human Rights Act.

37. This review should involve civil society and be led by an independent expert or body such as the independent reviewer or the Joint Committee on Human Rights.

38. Liberty and others will be supporting amendment NC53 to ensure that the right to peaceful protest is respected, protected and fulfilled, and other amendments to remove or amend these clauses. We urge MPs to support these and uphold the UK's domestic and

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international rights obligations. For more information, please email
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