# Submission to Police, Crime, Sentencing and Courts Bill Committee, May 2021

## About us

1. This is a joint submission by Quakers in Britain and Unlock Democracy.
   1. [Quakers in Britain](http://www.quaker.org.uk/) is a national church and charity working on behalf of 21,575 people who attend 475 Quaker meetings in Britain. Our commitment to peace, equality and justice leads us to care deeply about democracy, human rights and civil liberties.
   2. [Unlock Democracy](https://unlockdemocracy.org.uk/) is a non-profit organisation that seeks to create a vibrant, inclusive democracy, safeguarded by a written constitution that puts power in the hands of the people. We campaign on a number of democracy and human rights related issues.
2. We are members of an informal network of charities and campaign groups, who work together under the name Civil Society Voice to improve the environment for civil society campaigning.
3. Our submission focuses on Part 3 of the Bill because this is the area where we have specific expertise. We have severe concerns about the Bill as a whole, and we stand in solidarity with those seeking to remove Part 4 and amend aspects of Part 10 in particular. We call on the Bill Committee to remove Part 3.

## Disruption

1. The Bill aims to amend the police powers in the Public Order Act 1986 so police can impose conditions on protests that are noisy or disruptive, including protests by one person.
2. We start from the premise that everyone has a human right to freedom of assembly. The European Centre for Not-for-profit Law (ENCL) provides compelling analysis showing that the Bill strikes at the essence of this right. Numerous international human rights bodies have said that the right requires states to be tolerant of disruption. Dispersing peaceful disruptive protests can only be justified if the disruption is both serious *and* sustained.[[1]](#footnote-1) The justification and criteria that the government has provided for the restrictions in the Bill are not sufficient to fulfil its obligations under international human rights law.
3. The Government frequently quotes the cost of protest. However, the Council of Europe Venice Commission, in its guidelines on peaceful assembly, has underlined that: “The facilitation of assemblies is an inherent part of the role of law enforcement and needs to be undertaken by the state regardless of the nature, size or other circumstances surrounding an assembly.” ECNL concludes that international human rights standards reject any attempt to justify the imposition of restrictions on protest on the grounds of cost. [[2]](#footnote-2)

## The importance of protest

1. Campaign groups and movements, and the protests they organise, are necessary for a thriving democracy. They raise issues that are being ignored and give a voice to marginalised groups. They therefore improve policy-making. They act as a pressure valve, allowing anger and concern about social issues to be raised in a structured and constructive way.
2. Living out your faith in the world is central to Quakerism and many other religions – we call this ‘witness’. Quakers are often led to take part in protests by deeply-held religious convictions. These include their testimonies to equality, peace and justice. For example in 2019, around 700 Quakers came together to witness against the DSEI arms fair.[[3]](#footnote-3) We ask the government and the Bill Committee to do more to understand people’s motivations for protest, and consider the long-term benefits (some of which are set out below) in relation to the short-term costs of disruption.
3. There are numerous cases of disruptive protests that have brought about positive change in the UK. Examples include:
   1. Protests in favour of same-sex marriage (including outside parliament), which helped create pressure for it to be legalised.
   2. The protests against fracking, which led the UK, Scottish and Welsh governments to place a moratorium on the practice.
   3. The Black Lives Matter protests, which encouraged the government to establish the Commission on Race and Ethnic Disparities.

## The Bill is unnecessary

1. There are already ample provisions in the law to prevent protest from harming people and property. Policing of protest can be heavy-handed. From the perspective of protesters and a proportion of the public it appears as though police forces expect protest to be violent rather than peaceful, and that this expectation leads the police to adopt heavy-handed behaviour which creates conflict in previously peaceful situations. An alternative approach must be developed which enables campaign groups to work with the authorities to find solutions.
2. Quakers in Britain have occasionally been affected by political disruption, including at our main offices at Friends House in London. We have always worked to negotiate acceptable outcomes to all parties, without involving the use or threat of force from the police or others. Earlier this year, demonstrators against HS2 scaled scaffolding on Friends House, roped themselves on, and displayed a banner. Quakers in Britain staff spoke with them directly via staff on-site, and via other anti-HS2 demonstrators with whom we had established relations. Towards the end of the day, they agreed to come down peacefully and we placed a different banner, with mutually acceptable wording, in the scaffolding in the following days. No arrests were made. This was an example of good listening, identifying key needs and demands of all parties, building connections with diverse groups involved, and then being able to find creative, mutually acceptable solutions.

## The consequences

1. This Bill will have a disproportionately negative impact on groups who are already marginalised in our society, such as Black people. With regards to Part 3, these groups are more likely to need to use protest to express their views, because their views are more likely to be ignored in other democratic processes. They are also more likely to be the victims of heavy-handed policing.
2. Attempts to curtail civil society groups’ right to campaign and protest are part of the reason why the UK has been labelled by Civicus as having a ‘narrowed’ civic space.[[4]](#footnote-4) The government’s approach to civil society matters on a global stage. A thriving civil society makes the UK a role model. Conversely, attempts to restrict civil society in the UK can be used by repressive regimes to justify their own efforts to limit dissent.
3. By restricting protests that are ‘disruptive’, preventing protest outside Parliament, and punishing those who break protest restrictions (even unknowingly), this Bill is preventing positive change and setting an extremely worrying, anti-democratic precedent.

1. ECNL: [*The United Kingdom’s Police, Crime, Sentencing and Courts Bill: Analysis of compliance with international human rights standards*](https://ecnl.org/sites/default/files/2021-04/ECNL%20SUMMARY%20-%20Police%20Crime%20Sentencing%20and%20Courts%20Bill%20Briefing%2022%20April%20-%20update.pdf), April 2021, p8 [↑](#footnote-ref-1)
2. ECNL, p5 [↑](#footnote-ref-2)
3. <https://quaker.org.uk/our-work/our-stories/after-the-arms-fair-a-quaker-reflects-on-conscience-arrest-and-privilege> [↑](#footnote-ref-3)
4. <https://monitor.civicus.org/country/united-kingdom/> [↑](#footnote-ref-4)