

Sentencing Democratic Protest to Death by David Renton, barrister and Hasan Pandor (SOAS)
(13 Dec 2021)

Last month the Government forced 18 pages of last-minute [additions](#) into the [Police, Crime, Sentencing and Courts Bill](#) (PCSC) after the Second Reading in the House of Lords. **Given the significance of those changes, and the attack they represent on protest rights, this was a grotesque misuse of Parliamentary procedure.** Even the Lords were only afforded “[one late night](#)” to debate the new clauses. MPs will only have a diminished opportunity to scrutinise the changes.

Prior to these amendments, the Joint Committee on Human Rights heard oral evidence in April that the PCSC Bill violated international human rights standards and that its provisions “[constitute a savage attack on the right to peaceful assembly](#)”. For example, clauses 56 and 57 give the police an unlimited power to ban demonstrations on the grounds that they might cause “noise”. Indeed, forms of protests vary, and they are, [by their very nature, noisy](#). The Bill has also been criticised by [senior police officers](#), because it compels the police to make decisions about whether protests can go ahead, **and therefore forces the police to become a visible and controversial actor in ordinary political debate.**

Further, November’s amendments include “serious disruption prevention orders”. This means that anyone who contributes to a protest is potentially liable to punishment under such orders, **even if their contribution was minimal.** For example, the Duchess of Cambridge, merely by laying flowers for Sarah Everard earlier this year, publicised a protest later that day, and in that sense “contributed” to a protest which ended in serious disruption. Once such an order has been made, **the people subject to them can be required or prohibited from doing – anything.** They might be required, for example, to leave their home, and reside for up to 5 years in another city. A refusal to obey the order can result in up to 51 weeks imprisonment.

A new criminal [offence](#) will also be committed whenever a person attaches themselves to “another person, to an object or to land”, where that act is capable of seriously disrupting an organisation or two or more people. **No intention to cause disruption is required, neither is any actual disruption. The language is incredibly poorly drafted and vague.** For example, should a demonstrator cycle at the back of a march attached to their bike in cycling shoes, they might in theory use the bike to cause disruption; therefore, at the moment they go on the march they have already committed a crime attracting up to 51 weeks imprisonment.

Moreover, the Bill grants the police powers to stop and search people “without suspicion” of any offence, but who happen to be in a place where a protest may soon take place. Resisting searches would carry the same possible 51-week prison sentence. **Given that Black and Brown people are [six times as likely](#) to be stopped as White people,** the new powers would create an even greater disincentive for people of colour to exercise their right to freedom of peaceful assembly and to feel safe as they go about their lives.

The introduction of these and other so-called ‘protest-related offences’ serve to reduce the exercise of rights as they become governed by the police in the manner you would expect of a dictatorship. By contrast, in a free and democratic society, **the presumption must always be in favour of maintaining the fundamental right to protest, [even at the risk of its being occasionally abused](#).** This Bill is clearly not fit for purpose in any democracy.

We therefore urge peers and MPs to vote against the Bill at its Third Reading in the Lords, and in its final stages.

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