

Statement regarding The Public Order Bill 2022

**GARDEN COURT NORTH CHAMBERS | GARDEN COURT
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The right to protest is at the heart of all of the hard-won rights that we enjoy in our democratic society. The Public Order Bill 2022 presents a grave threat to that right and would mark a regressive shift of power away from ordinary people and towards the State.

The Public Order Bill is a second attempt to bring into law some measures from the Police, Crime, Sentencing and Courts (PCSC) Act which were defeated in Parliament, due to concerns about their impact on our right to protest, alongside new measures. The regressive nature of the Bill can be seen in the provisions aimed at criminalising peaceful direct action tactics relied on by protests which form a proud part of the fabric of our political and social history: including those as momentous as the women's suffrage movement, the Indian independence movement and against apartheid in South Africa.

More worrying still are the unprecedented provisions in relation to the introduction of Serious Disruption Prevention Orders. These orders facilitate and encourage the monitoring, control and surveillance of members of the public who exercise their democratic right to engage in protests and public campaigns. They apply to members of the public who have not been convicted of any offence and give the State the power to:

- ban them from attending protests,
- stop them from associating with named people,
- stop them from going to certain areas,
- monitor their online activity, and
- place them under electronic tag monitoring

The Bill comes at a time when there is an ongoing Public Inquiry into the activities of undercover officers targeting protestors and campaigners, including potentially criminal activities, sexual abuse and infiltration into children's protest groups. The subject of this Inquiry provides a powerful illustration of the excesses of State power that can occur in the absence of a legal and political culture which respects the rights of citizens to engage in peaceful protest and direct action. The Public Order Bill attempts to erode that culture within the British justice system. It will discourage law abiding people from exercising their core civil and political rights and engaging in protests for fear of becoming subject to State surveillance and potentially criminalised.

Our privileged position as lawyers within a democratic society brings with it a duty of public legal education, which requires us to sound the alarm when the rights inherent to that democratic society are at risk. We are coming together to sound that alarm both to parliamentarians and to the wider public.

Notes:

A summary of the measures contained within the Public Order Bill 2022 by the organisation Netpol is available here: <https://netpol.org/2022/05/17/public-order-bill-2022/>; and by Martha Spurrier, Director of Liberty available here:

<https://www.prospectmagazine.co.uk/politics/boris-johnson-is-on-a-mission-to-sideline-parliament-the-courts-and-the-people-protest-public-order-bill-human-rights>

The Public Order Bill 2022 is available here:

<https://publications.parliament.uk/pa/bills/cbill/58-03/0008/220008v2.pdf>