

# UNITED KINGDOM: CIVICUS MONITOR WATCHLIST

## OVERVIEW OF RECENT RESTRICTIONS TO CIVIC FREEDOMS





## INTRODUCTION

A rapid decline in civic space has been noted in the United Kingdom, with the right to freedom of peaceful assembly repeatedly targeted. Massive concerns have been raised on the Policing, Crime, Sentencing and Courts Bill (Policing Bill) which poses a severe threat to the right to protest. The bill comes amid repeated crackdown on protests, with authorities using excessive force and protesters being detained. In addition, protests staged by anti-racism and environmental groups have faced heavy policing, while climate defenders have been publicly vilified as “extremists” by the Conservative UK government. Several legislative developments, such as proposed changes to the Administrative Law, aim to weaken democratic checks and balances which hold the government and public bodies to account. During the COVID-19 pandemic, legislation proposed by the government has not been subject to the usual parliamentary scrutiny processes and has at times been fast tracked.

## POLICING BILL: A THREAT TO PEACEFUL ASSEMBLY

On 9th March 2021, the Police, Crime, Sentencing and Courts Bill [was announced](#) as part of plans to “strengthen police powers to tackle non-violent protests that have a significant disruptive effect on the public or on access to Parliament”. The 300-page bill contains various clauses which give police more powers to restrict the right to protest and will have serious repercussions for minority groups, including Gypsy and Traveller communities, Black people and people of colour. In particular, clauses 55 and 56 give the police the power to impose conditions on protests if they believe the noise generated by protesters will “result in serious disruption”. Not only does this afford the police significant discretion to interpret what constitutes “serious disruption”, it also allows the Home Secretary to define the terms of these clauses, which could be used to determine what protests are viewed as unacceptable and inconvenient. Furthermore, clauses 58 and 59 amount to imposing place-specific restrictions on protest. Concerns on the bill have been [voiced by](#) the UN Special Rapporteur on the rights to freedom of peaceful assembly and association, the Special Rapporteur on the right to freedom of opinion and expression, the Joint Select Committee on Human Rights of the UK Parliament and [others](#). The Policing Bill has had its second reading in the House of Lords (upper house of the UK Parliament) and will go through to other stages for approval.

The introduction of the Bill came days after police used disproportionate force during a vigil to remember Sarah Everard, who was kidnapped and murdered by a metropolitan police officer. Massive protests, staged in several cities across the UK calling for #KillTheBill, were met with [detentions](#) of protesters, including legal observers, and heavy handed policing. A parliamentary investigation into #KillTheBill protests in Bristol revealed that police caused or exacerbated public disorder by attacking peaceful protesters. Protesters are [facing](#) jail time for their part in the protests, with over 78 arrests and three already in prison.

## ABOUT THE CIVICUS MONITOR

The CIVICUS Monitor is a research tool that provides quantitative and qualitative data on the state of civil society and civic freedoms in 196 countries. The data is generated through a collaboration with more than 20 civil society research partners, and input from a number of independent human rights evaluations.

The data provides the basis for civic space ratings, which are based on up-to-date information and indicators on the state of freedom of association, peaceful assembly and expression. Countries can be rated as:

CLOSED

REPRESSED

OBSTRUCTED

NARROWED

OPEN

The [CIVICUS Monitor](#) rates civic space – the space for civil society – in [United Kingdom](#) as “**Narrowed**”.



[Police have also cracked down on anti-racism protests](#), with civil society documenting that the policing of Black Lives Matter protests against racial injustice during June 2020 was institutionally racist, with evidence of excessive use of force, failures in the duty of care, and racial discrimination.

Concerns have [been raised](#) over surveillance during protests. CSOs have called for the banning of the use of facial recognition surveillance technology by the Home Office. This comes one year after a landmark ruling in which judges [found](#) that UK facial recognition technology breaches privacy rights. The surveillance tool actively takes ‘faceprints’ of millions of people, often without them knowing. There have been [reports](#) of it being used in concerts, stadiums, supermarkets and shopping centres, in addition to during [protests](#).

## CLIMATE DEFENDERS TARGETED

Climate defenders in the UK have repeatedly been targeted in the past few years. The UK’s Conservative government has often labelled those protesting for climate justice as “extremists” and “so-called eco-crusaders turned criminals”, while authorities have cracked down on climate protests and at times carried out pre-emptive [arrests](#).

Ahead of COP26, on 23rd August 2021 Extinction Rebellion [launched](#) a two-week series of [protests](#) in London to demand an immediate stop to all new fossil fuel investments and commitments to a legally binding just transition. By the fourth day of action, police [arrests](#) surpassed 200 with reports of heavy-handed policing, with [footage](#) showing police rushing to form a cordon at the protest, activists reportedly being “trampled” by police officers, with one woman’s glued hand being ripped from the woman next to her.

At the end of June 2021, police [carried out](#) a “proactive” raid intended to target Extinction Rebellion activists prior to planned protests. Instead, several employees of the arts and architecture charity Antepavilion were arrested in London. Two of the charity’s staff and one tenant were [detained](#). Eleven arrests were made in total: ten for conspiracy to cause public nuisance and one for dangerous driving. All eleven have been released, ten of whom are facing further investigation. Extinction Rebellion members had been attending workshops on the premises.

Climate activists are also [facing prosecution](#) for their role in protests. On 11th May 2021, co-founder of Extinction Rebellion, Gail Bradbrook, [was arrested](#) in her home and is facing charges of fraud and conspiracy to cause damage in relation to “Money Rebellion” protests which target corrupt political economy, such as banks, that blocks climate action. The group [reports](#) that since April 2019, there have been an estimated 2,000 prosecutions for protests organised by the group, with almost 1,000 trials still under way.

## RESTRICTIONS ON CIVIL SOCIETY

Civil society organisations (CSOs) have raised concerns over the New Elections Bill, introduced in June 2021. Among the concerns is the [introduction](#) of a mandatory clear photo ID requirement at polling stations, which they warn will disproportionately impact millions of people who don’t have access to a photo ID and will limit their right to vote. It also proposes several changes that may impact charities and not-for-profit organisations that campaign, including proposals that would require more organisations to have to register with the Electoral Commission when engaging in issue-based campaigning. CSOs have raised concerns that the Bill could strengthen the chilling effect on campaigning in the UK by making an already complex area of regulation even more confusing and burdensome for charities and non-profits.

The government has [openly criticised](#) civil society for speaking out. Most recently CSO’s [raised](#) criticisms over the poor consultation on the government’s ‘New Plan for Immigration’, with refugee rights groups calling the



plan “inhumane”. In response to this criticism, Home Secretary Priti Patel said that these comments were “unacceptable” and that organisations should “think carefully about the language they themselves use.”

## CRACKDOWN ON FOI REQUESTS

Adding to the government’s attempts to evade scrutiny, a recent investigation by [Open Democracy](#) reveals that government departments and non-departmental public bodies have been referring ‘sensitive’ Freedom of Information (FOI) requests from journalists and researchers to the “secretive” Clearing House unit within the Cabinet Office for approval. While FOI requests are supposed to be “applicant blind”, the unit provides advice to other departments to ‘protect sensitive information’ and has a list of journalists, with details of what they are working on, and some research organisations. The unit’s operations have been equated to “blacklisting” of certain journalists. Added to these concerns, it was also recently [revealed](#) that FOI requests on Black Lives Matter and Extinction Rebellion protests have been flagged as “high risk” by the Metropolitan Police system. In the last five years, the UK government has rejected more FOI requests than it has approved.

## RECOMMENDATIONS

- Withdraw the restrictive Police, Crime, Sentencing and Courts Bill from Parliament and ensure that extensive consultations are held with civil society, the public and all members of political parties on the content of the bill and views taken into account before the Bill is re-introduced.
- All proposed changes to the Human Rights Act, the new Elections Bill and the Judicial Review Bill should be put on hold and consultations held with the public on any amendments to such legislation to ensure they are in line with the UK’s international human rights obligations.
- Senior government officials should refrain from vilifying human rights defenders and protesters, particularly those advocating for environmental and climate justice and from subjecting them to smear campaigns.
- Release all climate justice activists who are in jail for their advocacy on environmental justice, stop persecuting others and refrain from arresting protesters, particularly those from the group Extinction Rebellion, and ensure that they are able to protest freely in line with their right to freedom of assembly.
- Ban the use of surveillance and surveillance technology during protests in line with the Court ruling that it violates privacy rights.
- Respect the right of freedom of expression and access to information for journalists, researchers and protesters and carry out independent investigations into allegations that the rights of journalists and research organisations to access information freely and independently have been violated in any way.