



## Human rights implications of policing protest in the UK

Project Partner: Amnesty International UK

### About Amnesty International UK

[Amnesty International UK](#) is the national section of a global movement of over seven million people who campaign for every person to enjoy all rights enshrined in the Universal Declaration of Human Rights and other international human rights standards. Amnesty International has more than 670,000 supporters in the UK, and it is independent of any government, political ideology, economic interest or religion.

### Project Overview

Policing protest in the UK, as elsewhere, has often been controversial, with law enforcement typically drawing on a variety of existing powers to police, disrupt, disperse or prevent protest in ways that have implications for human rights.

With the mass demonstrations associated with Extinction Rebellion and other movements, including most recently Black Lives Matter, these powers are increasingly under the spotlight and are likely to be utilised increasingly in the future as the scale and frequency of these demonstrations are likely to increase. An emerging theme in policing work, is growing evidence of racial discrimination across a number of policing tools, to capture emerging trends, it is anticipated that this project will also explore issues of racial discrimination over the policing of Black Lives Matter.

A particularly controversial aspect is the use of powers known as Section 14 to restrict public assembly and demonstration. A Section 14 notice is contained in the Public Order Act of 1986 as allows police to restrict protest to static designated areas and to prevent them from moving or marching to other areas. The power came into the spotlight during the Extinction Rebellion protests in London where police used powers under Section 14 in October 2019 to designate large areas of London as restricted areas to essentially ban the protests. Subsequently, in November 2019 the High Court ruled their use of this power unlawful in the circumstances where it was used, essentially arguing that Section 14 did not give the power to prevent demonstration in its entirety.

The project will also examine the role that new technology, particularly in the field of surveillance, is starting to play, with specific focus on facial recognition systems, which are becoming increasingly common place in police monitoring of crowds. There are concerns about the lack of human rights safeguards built into the use of these systems, their accuracy, the biased nature of the algorithms used to profile and identify individuals, all of which raises concerns about discriminatory policing, especially against BAME (Black, Asian and Minority Ethnic) individuals.



The final area will be the use of other policing powers used to restrict or enforce action against demonstrations. These include a variety of measures, including at the arrest stage, for example, powers to prevent obstruction of highways and other public access points. There has also been an increasing trend of using surveillance and other intelligence tools to take pre-emptive action against individuals prior to their participation in any public demonstration, typically on the grounds of likely violent or other disruptive behaviour. Using international human rights law, the project will look at the lawfulness of their use, whether they are appropriate and proportionate and if they sufficiently balance the needs to respect rights with the need to maintain public order.

### **Project Output**

A 25-30-page report (plus annexes if any) will be submitted to Amnesty International UK at the end of the research. The report will examine the lawfulness of intrusive methods of surveillance, including the use of intelligence data gathering used in the pre-emptive targeting of individuals and the extent to which these powers are acceptable from the perspective of the individual right to protest. The research will include:

- A review of universal and regional human rights standards on peaceful assembly, freedom of association and protest.
- A review of existing authoritative research on the disproportionate effects of policing protest on BAME communities.
- A review of the relevant legal and operational framework in the UK, including case-law, on Section 14, facial recognition, use of force, and powers of arrest as they pertain to charging demonstrators with criminal offences
- An analysis of whether existing policing powers are compatible with international human rights law, including the principles of proportionality and reasonableness.
- An assessment of whether and to what extent human rights principles are considered and applied and what potential deficiencies or gaps might exist in the human rights framework in these areas.
- Well-documented conclusions and recommendations.

Amnesty International UK and the Human Rights Centre Clinic will aim to produce a publication of the output, in full or partially, and always subject to quality assurance.

### **Project Outline**

Phase 1: November-December 2020

- Preliminary research, understanding the project and developing research/report outline.
- Identifying a list of experts for interviews and questionnaire.
- Mapping of cases, bibliography and literature review. The outline and bibliography to be submitted Amnesty UK in mid-December for comments.
- Seeking ethical approval for interviews, as necessary.



#### Phase 2: January-March 2021

- Carrying out the interviews via telephone or video conference.
- Research and data gathering.
- Report writing.
- Submission of the first full draft (25-30 pages, plus annexes if any) to Amnesty UK.

#### Phase 3: April-June 2021

- Revision and finalizing the research based on the input received from Amnesty UK.
- Potential for blogs on Amnesty website and/or other form of dissemination of the report.

#### Essential readings

- UN Human Rights Committee, *General Comment No. 37: Right of peaceful assembly* – July 2020.  
[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fGC%2f37&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fGC%2f37&Lang=en)
- The right to peaceful assembly – Amnesty international submission to the Human Rights Council – March 2019  
<https://www.amnesty.org/download/Documents/IOR4000192019ENGLISH.pdf>
- *Use of Force – Guidelines for Implementation of the UN Basic Principles on the Use of Force and Firearms by law enforcement officials, available from*  
[https://www.amnesty.org.uk/files/use\\_of\\_force.pdf](https://www.amnesty.org.uk/files/use_of_force.pdf)
- UN Human Rights Council core documents from the office of the Special Rapporteur on the rights to freedom of peaceful assembly and of association:  
<https://www.ohchr.org/en/issues/assemblyassociation/pages/srfreedomassemblyassociationindex.aspx>
- Public Order Act 1986 as revised:  
<https://www.legislation.gov.uk/ukpga/1986/64/contents>
- College of Policing Authorised Professional Practice guidance, Public Order – available from here <https://www.app.college.police.uk/app-content/public-order/>
- London Policing Ethics Panel; Final Report of live facial recognition:  
[http://www.policingethicspanel.london/uploads/4/4/0/7/44076193/live\\_facial\\_recognition\\_final\\_report\\_may\\_2019.pdf](http://www.policingethicspanel.london/uploads/4/4/0/7/44076193/live_facial_recognition_final_report_may_2019.pdf)



- Judicial Review into South Wales Police use of Facial recognition, *R (Bridges) v Chief Constable of South Wales Police and Secretary of State for the Home Department* [2019] <https://www.bailii.org/ew/cases/EWHC/Admin/2019/2341.html>
- Judicial review judgement into use of Section 14 powers against Extinction Rebellion demonstrations: <https://www.judiciary.uk/wp-content/uploads/2019/11/Jones-Ors-v-Comm-of-Police-Approved-judgment.pdf>
- della Porta, D. (2013). "Policing Protest". In *The Wiley-Blackwell Encyclopedia of Social and Political Movements* (eds. D.A. Snow, D. Della Porta, B. Klandermans and D. McAdam). doi: [10.1002/9780470674871.wbespm152](https://doi.org/10.1002/9780470674871.wbespm152)
- Gilmore, J. (2019), Lessons from Orgreave: Police Power and the Criminalization of Protest. *Journal of Law and Society*, 46, 612-639. doi:[10.1111/jols.12190](https://doi.org/10.1111/jols.12190)
- Nurse, J. R. C., Creese, S., De Roure, D., (2017) "Security Risk Assessment in Internet of Things Systems," in *IT Professional*, 19:5, 20-26, 2017, doi: 10.1109/MITP.2017.3680959.
- Shere, Anjuli R. K. and Nurse, Jason R. C. and Flechais, Ivan (2020) Security should be there by default: Investigating how journalists perceive and respond to risks from the Internet of Things. In: 5th European Workshop on Usable Security (EuroUSEC 2020). IEEE (In press) <https://kar.kent.ac.uk/80999/1/EuroUSEC-2020-Journalists-IoT-Risks.pdf>
- Souhami, A. (2014) "Institutional racism and police reform: an empirical critique", *Policing and Society*, 24:1, 1-21, doi: [10.1080/10439463.2012.703198](https://doi.org/10.1080/10439463.2012.703198)
- Organisations working on and publishing on these areas:
  - Liberty - <https://www.libertyhumanrights.org.uk/>
  - Big Brother Watch - <https://bigbrotherwatch.org.uk/>
  - Stopwatch - <https://www.stop-watch.org/>
  - Privacy International - <https://privacyinternational.org/learn/policing-and-technology>
  - Atlas of Surveillance - <https://atlasofsurveillance.org/>

### Focal points in Amnesty International UK

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