

Rt Hon Yvette Cooper MP  
Shadow Home Secretary  
**Sent by email**

Wednesday, 12 January 2022

Dear Yvette,

## Re: Part 3 of the Police, Crime, Sentencing and Courts Bill

The British Association of Social Workers (BASW) is the professional membership organisation for more than 22,000 social workers across the UK. The social work profession is one that supports and advocates for people who are marginalised and who experience challenges in their lives. We subscribe to the values of ethical practice, social justice, human rights, and the empowerment of people to be in charge of their own lives. We also believe in fundamental rights such as the right to assembly.

Uniting with fellow humans in a peaceful way to demonstrate support or opposition to a cause was a hard-won right. This bill will undermine and remove many important rights to protest and in doing so, bring many people into the ambit of serious, disproportionate criminal charges.

It is the values and principles of our profession that mean we cannot support Part 3 of the Police, Crime, Sentencing and Courts Bill, and we urge the Labour Party to take a stand against it too.

We support a civil society in which all people follow the rule of law and access effective democratic processes to be heard. But the law should also empower and protect people exercising their fundamental rights to speak out on issues that matter to them particularly when other democratic means to get their voices heard are inadequate.

Part 3 of this Bill would severely damage the right to protest which is imperative in providing people with a space to vocalise and demonstrate their view on a particular issue. Protests have achieved significant positive changes in this country many of which have been driven or supported by the Labour Party. Now is not the time to retreat on this principle but instead it is the time to stand proudly in solidarity with marginalised communities and others for whom protest and demonstration is the only way that they can be heard. Power is concentrated at the top in our democracy and that centralisation of power is intensifying, and people need somewhere to direct their opposition to that power.

A recent example is that of the vigils organised to remember Sarah Everard and Sabina Nessa. People, especially young women who identified so strongly with Sarah and Sabina, needed to come together. They needed to remember the victims and to make a visible stand against male violence and demonstrate the strength of anger and deep sadness. We all saw the footage and photos from the Sarah Everard vigil, where the police arrested attendees for breaking COVID-19 restrictions. This led to heavy criticism of the police and further damaged public trust in policing. The proposals in Part 3 will further place the police in a position of being compelled or expected to take heavier action against protests on important matters of public concern than they consider appropriate.

Protest in the UK is often about communities coming together and finding a shared outlet for their feelings and concerns. It can act as a vehicle for change in many positive ways and ultimately the laws that deal with protests need public confidence to be effective. A generation of young people have also been inspired by the actions of environmental activists such as Greta Thunberg and taken to the streets to protest inaction on tackling climate change. This has also inspired people of all ages who consider government and business action to be inadequate

and against the science. Many of those young people have gone on to take the fight into their communities by standing for local council, or by organising in their communities to create positive change. Part 3 could disproportionately and unethically lead to more young people facing criminalisation for creating minor disruptions and inconveniences. The Labour Party can act to prevent this.

While we support the right to protest and the right to assembly, we do not support violence or dangerous criminal activity as a means of achieving a goal. We believe that the measures in the Bill are being driven through by using a few examples of dangerous or criminal activity to gain support. The Labour Party should make a clear distinction between those who have a legitimate right to protest and those who engage in dangerous or criminal activity and should take a stand against the Home Secretary's plans to create a society in which demonstrating dissent against the Government is a criminal offence.

We have many reservations about the contents of this Part 3 of this Bill, including:

- Amendment 149 which creates an offence of 'being equipped for locking on. which creates an offence of 'being equipped for locking on'. This will have a significant impact on disabled people who wish to protest and who require walking aids or equipment such as wheelchairs, as their wheelchair could be viewed as being equipped with a tool to aide 'locking on'.
- The impact that criminalisation of protest will have on people who are already marginalised. There is a significant section of our society who cannot wait five years for a General Election in hope of a change of Government to give them the treatment or justice that they deserve. Direct action such a protest is sometimes the only option that they have and removing that option will simply marginalise them further.
- Proposals to expand stop and search powers will make it a criminal offence to be in possession of items that are connected to the offences in the Bill. This is not only entirely unworkable, but the list of items that this could include is endless. We also know that black people are more likely to be stopped and searched and expanded powers will lead to more discrimination.
- The power given to the Home Secretary to decide what constitutes an offence. No single person should have that power, especially when it impacts one of the most fundamental rights – the right to protest.
- Vague description of offences such as 'too much noise' and 'if two people are inconvenienced', which are entirely subjective.

We are a democratic country, where people have the right to not only vote for their government, but to speak out against it too. Lawmakers should be focusing on how we can improve the relationship between Parliament and the people, bridging that communication gap and to give people a greater say in how their lives are being run. We are concerned about the undemocratic and criminalising impact of removing the right to channel their voice into protest. If Part 3 of the Bill is passed, and people are restricted from assembling to protest, a slippery slope towards more authoritarian provisions will have been steepened. We will be moving away from a system that governs on consent, to one that governs on control.

Social workers see first-hand the struggles that many marginalised people go through in their lives. We cannot take away further routes to peacefully be vocal about their lives and the rules that govern them.

We are confident that the Labour Party will take the position of standing up for our democratic right to protest, to assemble, and to be visible.

Kind regards,



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British Association of Social Workers

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