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**Submission by CIVICUS: World Alliance for Citizen Participation,
NGO in General Consultative Status with ECOSOC**

CIVICUS: World Alliance for Citizen Participation

CIVICUS UPR Lead, Aarti Narsee

Email: aarti.narsee@civicus.org

Nicola Paccamiccio

Email: nicola.paccamiccio@civicus.org

Tel: +41 22 733 3435

1. Introduction

- 1.1** CIVICUS is a global alliance of civil society organisations (CSOs) and activists dedicated to strengthening citizen action and civil society around the world. Founded in 1993, CIVICUS has members in more than 180 countries.
- 1.2** In this submission, CIVICUS examines the Government of the UK's compliance with its international human rights obligations to create and maintain a safe and enabling environment for civil society. We analyse the UK's fulfilment of the rights to the freedoms of association, peaceful assembly and expression since its previous UPR examination in May 2017. We assess the UK's implementation of relevant recommendations received during the 3rd UPR cycle and provide follow-up recommendations.
- 1.3** During the 3rd UPR cycle, the Government of the UK received 12 recommendations relating to the space for civil society (civic space). It supported four and noted eight. An evaluation of a range of legal sources and human rights documentation demonstrates that the Government of the UK has not implemented two supported recommendations relating to civic space and only partially implemented two supported recommendations related to open engagement with civil society. Acute implementation gaps were found with regard to the remaining recommendations.
- 1.4** We are deeply concerned by the government's repeated attempts to unduly restrict the right to the freedom of peaceful assembly. The Police, Crime, Sentencing and Courts Bill (PCSCB), introduced in March 2021, seeks to unduly limit this right.¹ Provisions in the PCSCB seem to be specifically designed to counter environmental and racial justice protests, which have been repressed by the authorities in recent years.
- 1.5** We are further alarmed by other laws proposed by the government, and its failure to take into consideration concerns raised by civil society. One example is the proposal to change the 1998 Human Rights Act (HRA), which threatens democratic checks and balances through which civil society aims to hold the government accountable.
- 1.6** As a result, civic space in the UK is currently classified as '[narrowed](#)' by the CIVICUS Monitor, indicating the existence of civic space restrictions.²
- Section 2 of this submission examines the UK's implementation of UPR recommendations and compliance with international human rights standards concerning the freedoms of association and peaceful assembly.
 - Section 3 examines the UK's implementation of UPR recommendations and compliance with international human rights standards concerning the freedom of expression, media freedom and access to information.
 - Section 4 contains recommendations to address the concerns raised and advance implementation of recommendations under the 3rd cycle.

¹ Liberty's view on the Policing bill: striking at the heart of democracy, Liberty UK, 17 March 2021, <https://www.libertyhumanrights.org.uk/issue/libertys-view-on-the-policing-bill-striking-at-the-heart-of-democracy/>.

² CIVICUS Monitor: United Kingdom, <https://monitor.civicus.org/UnitedKingdom/>.

- An annex on the implementation of 3rd cycle UPR recommendations related to civic space is in Section 5.

2. Freedom of association and peaceful assembly

- 2.1** During the UK's examination under the 3rd UPR cycle, the government received eight recommendations on the freedom of association and creating an enabling environment for CSOs. The government committed to ensuring that 'it will take into consideration the opinion of civil society and its role in supporting the decision-making process'. The government supported four and noted four of the recommendations, but has failed to take adequate measures to fully realise them. Further, while there were no specific recommendations on the freedom of peaceful assembly, recent developments are concerning.
- 2.2** HRA article 11 guarantees the right to the freedoms of association and assembly. Article 22 of the International Covenant on Civil and Political Rights (ICCPR), to which the UK is a state party, guarantees the freedoms of association and peaceful assembly. However despite these commitments, the government has taken steps to unduly restrict these rights, including by introducing restrictive legislation.
- 2.3** CSOs have raised concerns over the Elections Bill,³ introduced in June 2021, which introduces several bureaucratic restrictions on electoral campaigning. The bill permits the Minister for the Cabinet Office to change unilaterally which organisations and campaign activities are permitted a year before any election in the UK, with the power to ban civil society engaging in elections through campaigning and donations. The bill would increase administrative burdens for CSOs and have a chilling effect.⁴
- 2.4** The UK government independent review of the HRA, which incorporates the European Convention on Human Rights into UK law, is concerning. In December 2021, the government published its Independent Review of the Act⁵ and opened consultations into proposals to overhaul the HRA.⁶ However there are concerns that the reforms proposed will diminish access to justice, particularly for excluded groups, who have used the HRA to hold government actions to account in the courts. Civil society expressed concerns over the narrow scope of the review, which fails to take into account how the HRA has been used.

³ Election bill, Parliament UK, July 2021, <https://bills.parliament.uk/bills/3020/publications>.

⁴ Election bill branded 'power grab' by charities, unions and campaigners, Best for Britain, 5 September 2021,

https://www.bestforbritain.org/elections_bill_branded_power_grab_by_charities_unions_and_campaigners.

⁵ The independent Human Rights Act Review, Gov.uk, December 2021,

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1040525/ihrar-final-report.pdf.

⁶ Human Rights Act reform: a modern bill of rights, Ministry of Justice: gov.uk, 14 December 2021,

<https://www.gov.uk/government/consultations/human-rights-act-reform-a-modern-bill-of-rights>.

- 2.5** Civil society has faced harassment from the government for working on racial justice. For example, 20 Conservative members of parliament (MPs) submitted a complaint against the Runnymede Trust to the Charity Commission for ‘pursuing a political agenda’ after it criticised the government’s report on Race and Ethnic Disparities.⁷
- 2.6** The UK does not have specific legislation that regulates the right to peaceful assembly. However, the Public Order Act 1986⁸ allows senior police officers to impose conditions on a public procession or assembly if they reasonably believe it might result in serious public disorder, serious damage to property or serious disruption to the life of the community. Additionally, Section 50 of the Police Reform Act 2002⁹ gives the police power to demand the name and address of anyone they believe is demonstrating ‘anti-social behaviour’.
- 2.7** In March 2021, the government introduced the PCSCB to ‘strengthen police powers to tackle non-violent protests that have a significant disruptive effect on the public or on access to Parliament’. Parts 3 and 4 of the bill¹⁰ amend the Public Order Act, giving the police further powers to unduly restrict the right to protest by imposing noise-related restrictions (clauses 55 and 56) and place-specific limits on protests (clauses 58 and 59). Other concerning provisions later introduced to part 3 include ‘Protest Banning Orders’, protest-related stop and search powers and the creation of a new criminal offences for ‘locking on’ and ‘being equipped to lock on’,¹¹ punishable by up to 51 weeks in prison and a fine. The same penalties apply for obstructing a highway and obstructing someone involved in the construction or maintenance of transport works.¹²
- 2.8** The bill is currently under review in parliament. While the House of Lords voted to remove or amend some of the concerning provisions in part 3,¹³ in February 2022 the House of Commons reintroduced provisions¹⁴ on noise-based protests and restrictions on single-person protests. Other significant elements of part 3 have

⁷ #KillTheBill protests continue amid police violence; Extinction Rebellion co-founder arrested, CIVICUS Monitor, 21 May 2021, <https://monitor.civicus.org/updates/2021/05/21/killthebill-protests-continue-amid-police-violence-extinction-rebellion-co-founder-arrested/>.

⁸ Briefing paper: Police Powers: protest, Jennifer Brown David Mead: House of Commons Library, 19 May 2021, <https://researchbriefings.files.parliament.uk/documents/SN05013/SN05013.pdf>.

⁹ Police Reform Act 2002, The National Archives, 2017, <https://www.legislation.gov.uk/ukpga/2002/30/section/50>.

¹⁰ Research briefing: Police, Crime, Sentencing and Courts bill 2019-2021, Part 3 and Part 4- Public Order and unauthorized encampments, House of Commons Library, 12 March 2021, <https://commonslibrary.parliament.uk/research-briefings/cbp-9164/>.

¹¹ A lock-on is a technique used by protesters to make it difficult to remove them from their place of protest.

¹² Peaceful Assembly under attack: Policing bill proposes up to 51 weeks jail time for protesting, CIVICUS Monitor, 14 December 2021, <https://monitor.civicus.org/updates/2021/12/14/peaceful-assembly-under-attack-policing-bill-proposes-51-weeks-jail-time-protesting/>.

¹³ Victory over protest restrictions shows united front can defeat government power-grab, Liberty UK, 18 January 2022, <https://www.libertyhumanrights.org.uk/issue/victory-over-protest-restrictions-shows-united-front-can-defeat-government-power-grab/>.

¹⁴ Police Bill Alliance, Twitter, 28 February 2022, <https://twitter.com/PoliceBillAll/status/1498358280128798730>.

already passed without amendments.¹⁵ If the bill passes in its current form, it will significantly restrict the right to protest in the UK.

- 2.9** In practice, for several years the authorities have unduly restricted the right to protest, including environmental rights and racial justice protests, by using excessive force, detaining protesters and preventing protests. For example, three anti-fracking protesters were sentenced to up to 16 months in prison for a protest staged in July 2017.¹⁶ In October 2018 their sentences were overturned on appeal.¹⁷
- 2.10** Environmental rights group Extinction Rebellion has faced repeated repression.¹⁸ In September 2019, the authorities carried out pre-emptive policing operations on the group ahead of a planned protest at Heathrow Airport. A month later, police issued a blanket ban under Public Order Act section 14,¹⁹ preventing a protest in London; the ban was later deemed unlawful by a court.²⁰ In June 2021, police raided arts charity Antepavilion, targeting the group prior to a planned protest.²¹ Since April 2019, there have been an estimated 2,000 prosecutions for protests organised by Extinction Rebellion, with almost 1,000 trials still under way.²²
- 2.11** Environmental rights group Insulate Britain, which is demanding proper home insulation, has also faced prosecutions. In December 2021, 10 of its members received prison sentences for contempt of court after breaching injunctions banning their roadblock protests.²³
- 2.12** Additionally, during the COVID-19 pandemic, a limitation on gatherings was imposed under Regulation 7 of the Health Protection Regulations 2020,²⁴ which has been used by the authorities to arbitrarily restrict the right to protest. For example,

¹⁵ Other significant elements of part 3 of the Bill have already passed without amendments. For example, once enacted, anyone can receive a criminal conviction for breaching a police condition on a protest, even if they had no knowledge of it being placed. Additionally, public nuisance will become a statutory offence with a maximum sentence of 10 years. See more: Policy paper: Police Crime, Sentencing and Court bill 2021: protest powers factsheet, Home Office, 28 February 2022,

<https://www.gov.uk/government/publications/police-crime-sentencing-and-courts-bill-2021-factsheets/police-crime-sentencing-and-courts-bill-2021-protest-powers-factsheet>.

¹⁶ Protecting the planet is not a crime, Netpol, November 2017, <https://netpol.org/wp-content/uploads/2017/11/Protecting-The-Planet-Is-Not-a-Crime.pdf>.

¹⁷ Fracking protesters jail sentence overturned on appeal, CIVICUS Monitor, 5 November 2018 <https://monitor.civicus.org/updates/2018/11/05/Fracking-protestors-jail-sentence-overturned-appeal/>.

¹⁸ Heavy handed policing as hundreds arrested at Extinction Rebellion protests, CIVICUS Monitor, 3 September 2021, <https://monitor.civicus.org/updates/2021/09/03/heavy-handed-policing-hundreds-arrested-extinction-rebellion-protests/>.

¹⁹ Extinction Rebellion climate activists face heavy policing, CIVICUS Monitor, 14 February 2020, <https://monitor.civicus.org/updates/2020/02/14/extinction-rebellion-climate-activists-face-heavy-policing/>.

²⁰ Why was the Met's Extinction Rebellion protest ban unlawful, Vikram Dodd and Matthew Taylor: The Guardian, 06 November 2019, <https://www.theguardian.com/environment/2019/nov/06/why-was-the-mets-extinction-rebellion-protest-ban-unlawful>.

²¹ Heavy handed policing as hundreds arrested at Extinction Rebellion protests, CIVICUS Monitor, 3 September 2021, <https://monitor.civicus.org/updates/2021/09/03/heavy-handed-policing-hundreds-arrested-extinction-rebellion-protests/>.

²² At least 18 peaceful environmental protesters jailed in UK this year, Damien Gayle and Matthew Taylor: The Guardian, 28 December 2021, <https://www.theguardian.com/environment/2021/dec/28/at-least-18-peaceful-environmental-protesters-jailed-in-uk-this-year>.

²⁴ The Health Protection Regulations 2020, The National Archive, 2020, <https://www.legislation.gov.uk/ukxi/2020/828/regulation/7/made>.

in March 2021 a planned vigil by the Reclaim These Streets movement following the death of a young women was banned under COVID-19 regulations by the Metropolitan Police. When people turned up they were met with a high police presence and the police detained several women.²⁵ The ban was deemed unlawful by a high court in March 2022.²⁶

2.13 During Black Lives Matter (BLM) protests in June 2020, it remains unclear why only some protesters were arrested for breaching Regulation 7, while others were not. Police took actions that contradict efforts to prevent the spread of COVID-19, kettling protesters and pulling down masks to identify them.²⁷

2.14 Those advocating for racial justice have been targeted with legal harassment. In January 2022, four protesters were cleared of criminal charges after admitting that they helped topple the statue of slave trader Edward Colston at a June 2020 BLM protest but arguing that its existence constituted a public offence or hate crime. The Attorney General for England and Wales announced that she would consider referring the acquittal to a court of appeal after several Conservative MPs criticised the ruling.²⁸

2.15 #KilltheBill protests staged against the PCSCB²⁹ have faced a significant police presence. More than 100 protesters were arrested during demonstrations held in April 2021.³⁰

3. Freedom of expression, media freedom and access to information

3.1 Under the 3rd UPR cycle, the government received four recommendations relating to the freedom of expression, media freedom and access to information. It noted all four.

3.2 ICCPR article 19 guarantees the right to the freedoms of expression and opinion. HRA article 10 also guarantees the right to the freedom of expression, which may be subject to limitations on grounds including national security, territorial integrity or public safety, preventing disorder or crime, protecting health, protecting other people's reputation or rights, preventing the disclosure of information received in

²⁵ Calls to #KillTheBill as UK government seeks to stifle protests even further, CIVICUS Monitor, 6 April 2021, <https://monitor.civicus.org/updates/2021/04/06/calls-killthebill-uk-government-seeks-stifle-protests-even-further/>.

²⁶ Met police breached rights of organisers of Sarah Everard vigil court rules, Jamie Grierson: The Guardian, 11 March 2022, <https://www.theguardian.com/uk-news/2022/mar/11/met-police-breached-rights-of-organisers-of-sarah-everard-vigil-court-rules>.

²⁷ Police watchdog raises concerns over abusive policing practices during Black Lives Matter protests, CIVICUS Monitor, 13 July 2020, <https://monitor.civicus.org/updates/2020/07/13/police-watchdog-raises-concerns-over-abusive-policing-practices-black-lives-matter-protests/>.

²⁸ Suella Braverman accused of politically driven meddling over Colston four, Haroon Siddique: The Guardian, 7 January 2022, <https://www.theguardian.com/uk-news/2022/jan/07/suella-braverman-accused-of-politically-driven-meddling-over-colston-four>.

²⁹ Kill The Bill protests continue amid police violence; Extinction Rebellion co-founder arrested, CIVICUS Monitor, 21 May 2021, <https://monitor.civicus.org/updates/2021/05/21/killthebill-protests-continue-amid-police-violence-extinction-rebellion-co-founder-arrested/>.

³⁰ Police Power and the right to peaceful protest, All Party Parliamentary Group on Democracy and the Constitution, 1 July 2021, https://www.jonathandjanogly.com/sites/jonathandjanogly.com/files/2021-07/clapham_and_bristol_inquiry_report_0.pdf.

confidence and maintaining the authority and impartiality of the judiciary.

- 3.3 Under section 40 of the Crime and Courts Act 2013, there are some special provisions for journalists, including judicial safeguards before the police can gain access to journalistic material or state agencies can instigate surveillance in certain circumstances.³¹
- 3.4 However, several laws have been used to unduly limit press and media freedoms. Under the Terrorism Act of 2000,³² in February 2022 police took journalist and former MP Chris Mullin to court to try to get him to disclose the source of his investigation of the 1974 Birmingham bombing. As a journalist, Mullin has refused to disclose his source.³³ In March 2022 a court ruled in favour of protecting his source.³⁴
- 3.5 While the Official Secrets Act provides legal protection in the UK against espionage, in practice the Act has been used to harass journalists. For example, in 2018 two investigative journalists were arrested for allegedly stealing confidential material from the Police Ombudsman for Northern Ireland.³⁵ Following a review of the act³⁶ the government launched reforms to, as stated, 'improve' the state's ability to protect official data. However, press groups state that these proposals blur the line between whistleblowing, journalism and spying, and would water down protection against police inspections of journalistic material.³⁷
- 3.6 Journalists face judicial harassment through the Defamation Act. For example, after journalist Carole Cadwalladr investigated funding received by and connections to Russia of Aaron Banks, the founder of the Leave.EU campaign, she has been the target of a strategic lawsuit against public participation.³⁸
- 3.7 There have been cases of attacks against journalists, including the killing of a journalist. In April 2019 journalist Lyra McKee was killed while reporting on riots in

³¹ Press Freedom, News Media Association, <http://www.newsmediauk.org/current-topics/press-freedom>.

³² Chris Mullin to contest order under Terrorism Act, National Union of Journalists, 21 February 2022, <https://www.nuj.org.uk/resource/chris-mullin-to-contest-order-under-terrorism-act.html>.

³³ UK: Two court cases present new barriers to independent reporting, Reporters Without Borders, 3 March 2022, <https://rsf.org/en/news/uk-two-court-cases-present-new-barriers-independent-reporting>.

³⁴ Birmingham pub bombings: Chris Mullin allowed to keep source secret, BBC, 22 March 2022, <https://www.bbc.com/news/uk-england-birmingham-60833230>.

³⁵ Loughinisland killings: journalists arrested over alleged document theft, Rory Carroll: The Guardian, 31 August 2018, <https://www.theguardian.com/uk-news/2018/aug/31/loughinisland-killings-journalists-arrested-over-stolen-documents>.

³⁶ Official Secrets Acts reviewed to meet the challenges of the 21st Century, Law Commission UK, 2 February 2017, <https://www.lawcom.gov.uk/official-secrets-acts-reviewed-to-meet-the-challenges-of-the-21st-century/>.

³⁷ NUJ asks journalists and media outlets to respond to official secrets reform, National Union of Journalists, 15 June 2021, <https://www.nuj.org.uk/resource/nuj-warns-journalists-and-media-outlets-to-respond-to-official-secrets-reform.html>.

³⁸ UK Abusive SLAPP case concludes against investigative journalist Carole Cadwalladr, Reporters Without Borders, 21 January 2022, <https://rsf.org/en/news/uk-abusive-slapp-case-concludes-against-investigative-journalist-carole-cadwalladr>.

Derry, Northern Ireland. Police arrested four men in connection with the case,³⁹ of whom one was charged with murder. In response to calls to improve safety for journalists, the government published its first National Action Plan in March 2021. However, there are concerns that the plan will not systematically monitor threats, attacks and broader media freedom violations.⁴⁰

- 3.8** There are also concerns over media independence. In January 2022, Culture Secretary Nadine Dorries announced that BBC funding would be frozen for two years, and the licence fee, which plays a crucial role in ensuring its editorial and financial independence, would be abolished by 2027. This would result in the BBC having to make major cuts to its programme budgets. Additionally, it would have to renegotiate a new funding model, which could include a subscription service, part-privatisation, or direct government funding. Concerns were raised that the funding decision came in response to the broadcaster's coverage of the Prime Minister's lockdown party scandals.⁴¹ Conservative MPs repeatedly claim that the broadcaster is biased against their party.⁴²
- 3.9** The right to request access to information is enshrined in three different laws: the Data Protection Act, Environmental Information Regulations Act and Freedom of Information (FOI) Act.⁴³ While requests made under the FOI Act are meant to be answered 'without reference to the identity or motives of the requester', in practice this is not the case. According to an Open Democracy investigation, selected journalists have been 'blacklisted' and their FOI requests⁴⁴ are processed by a secretive unit within the Cabinet Office. FOI requests on BLM and Extinction Rebellion protests have also been flagged as 'high risk' by the Metropolitan Police system.⁴⁵
- 3.10** Restrictions on access to information during the COVID-19 pandemic are also of concern. For example, during daily COVID-19 press briefings by the Prime Minister and government officials there were limited opportunities for journalists to ask follow-up questions. An Open Democracy reporter was banned from asking

³⁹ Lyra Mckee: four men arrested over killing of journalist in Derry, Rory Carroll: The Guardian, 15 September 2021, <https://www.theguardian.com/uk-news/2021/sep/15/lyra-mckee-four-men-arrested-over-killing-of-journalist-in-derry>.

⁴⁰ UK government launches national action plan to protect journalists, Public Media Alliance, 12 March 2021, <https://www.publicmediaalliance.org/uk-government-launches-national-action-plan-to-protect-journalists/>.

⁴¹ BBC hit with license fee decision amidst reporting on PM's lockdown parties, Mapping Media Freedom, 19 January 2022, <https://www.mapmf.org/alert/24542>.

⁴² 'The BBC isn't going to stop until he's gone': Senior Tories hit out at 'outrageous bias' in Beeb's 'unbearable' coverage of Boris Johnson's apology for No10 party. Daniel Martin and Paul Revoir: Daily Mail UK, 14 January 2022, <https://www.dailymail.co.uk/news/article-10400773/Tories-hit-outrageous-bias-BBCs-coverage-Boris-Johnson-Partygate-apology.html>.

⁴³ Accessing Information. UK Parliament, <https://www.parliament.uk/site-information/foi/accessing-information/>.

⁴⁴ UK government running Orwellian unit to block release of sensitive information, Peter Geoghegan, Jenna Corderoy, Lucas Amin: Open Democracy, 23 November 2020, <https://www.opendemocracy.net/en/freedom-of-information/uk-government-running-orwellian-unit-to-block-release-of-sensitive-information/>.

⁴⁵ Met Police accused of 'serious failure' over system flagging 'high risk' FOI requests, Martin Williams and Jenna Corderoy: Open Democracy, 18 May 2021, <https://www.opendemocracy.net/en/freedom-of-information/met-police-accused-serious-failure-over-system-flagging-high-risk-foi-requests/>.

questions.⁴⁶

5. Recommendations to the Government of UK

CIVICUS calls on the Government of the UK to create and maintain, in law and in practice, an enabling environment for civil society, in accordance with the rights enshrined in the ICCPR, the UN Declaration on Human Rights Defenders and Human Rights Council resolutions 22/6, 27/5 and 27/31.

At a minimum, the following conditions should be guaranteed: the freedoms of association, peaceful assembly and expression, and the state's duty to protect. In the light of this, the following specific recommendations are made:

16.1 Freedom of association and peaceful assembly

- Take measures to foster a safe, respectful and enabling environment for civil society, including by removing legal and policy measures that unwarrantedly limit the freedoms of association and peaceful assembly.
- Adopt best practices on the freedom of peaceful assembly, as set out in the UN Human Rights Committee General Comment No. 37 on the right to peaceful assembly.
- Remove parts 3 and 4 of the restrictive PCSCB.
- Secure the HRA by scrapping all proposed changes to the Act.
- Refrain from vilifying HRDs and protesters, particularly those advocating for environmental rights and racial justice.
- Drop charges against climate justice defenders and stop persecuting and refrain from arresting protesters.

16.2 Freedom of expression, media freedom and access to information

- Ensure the freedom of expression and media freedom by bringing all national legislation into line with international standards through inclusive consultations with the sector.
- Ensure that the National Action Plan on the Safety of Journalists commits to systematic monitoring of threats, attacks and broader violations of media freedoms and refrain from targeting the media.
- Retain the BBC's licensing model, which enables it to operate independently.
- Respect access to information for journalists, researchers and protesters and carry out independent investigations into allegations of violation of the right to access to information.

6.6 State engagement with civil society

⁴⁶ Banning of journalists from Downing Street press briefing latest worrying move by Boris Johnson's new government, Reporters Without Borders, 3 February 2020, <https://rsf.org/en/news/uk-banning-journalists-downing-street-press-briefing-latest-worrying-move-boris-johnsons-new>.

- Implement transparent and inclusive mechanisms of public consultations with CSOs on all issues mentioned above and enable the more effective involvement of civil society in the preparation of law and policy.
- Incorporate the results of this UPR into action plans for the promotion and protection of all human rights, taking into account the proposals of civil society, and present a midterm evaluation report to the Human Rights Council on the implementation of the recommendations of this session.