

Passion and Protest

By Emina Arella Haddlesey

The proposed Crime and Policing Bill, which is currently undergoing its second reading in the House of Lords, is some of Labour's most interesting work. The 444-page Bill features a large range of issues. The strengths of the legislation are that 1) it removes the limitation period in child sexual abuse cases, meaning survivors would no longer have a time limit within which a lawsuit had to be initiated, and 2) it broadens the scope for stalking to be treated like a real crime, which ought to better the current statistics of under 2 percent of stalking cases resulting in convictions. The weakness of the legislation, and the reason that the Bill is gaining negative traction, is its content surrounding protests. Under its current draft, the Bill could expand police powers, including vague definitions of 'disruption', granting police pre-emptive arrest capabilities, and making it harder for people to protest. Human rights organisation Liberty has been working assiduously to fight this.

Protest, enshrined as a human right in international and domestic law, has been the subject of much debate in recent politics. Notably, former Home Secretary Suella Braverman introduced anti-protest measures under the Public Order Act 2023, which were subsequently ruled unlawful on the grounds that they exceeded her legal authority. It was Liberty that took this to court and won, arguing that the regulations expanded police powers beyond the limits set by Parliament and undermined the right to peaceful protest guaranteed under Article 11 of the European Convention on Human Rights. In the proposal for the current Crime and Policing Bill, Lord Hanson of Flint has specifically stated that he believes, unlike the Public Order Act 2023, this Bill is compatible with the Convention rights. Again, Liberty disagrees.

During the Conservative Party's reign, the push to minimise the ability for people to protest was par for the course. Usually, the further right someone is, the more anti-all-things-disruption they are, and the further left someone is, the more pro-all-things-disruption they are. Labour prides itself on being left-leaning, yet it is picking up where the Tories left off in

their anti-protest effort. However, to protest is to oppose, challenge, and question – all of which are imperative to critical thinking. My stance is that if there is power granted to introduce measures or ideas, there must be equal power to challenge or question those measures or ideas. Wanting to quash the ability to challenge or question demonstrates weakness and a lack of true power. While the law has power, in order for democracy to be alive, that power must only be granted after substantial dialogue and consultation. Dissent and protest are critical to that dialogue. I imagine that Liberty will win this battle against the protest-related clauses in the proposed Crime and Policing Bill, as it did with the Public Order Act 2023, for those reasons.

When we see protests, we see the passions of the people. Expanding police powers against protests is expanding authority against those passions. Sophocles said, “You can kill a man, but you can’t kill an idea.” A government can try to stop as many protests as it wishes, or arrest as many protesters as it wishes, but it has not killed the cause of dissent by doing so. I would argue that rather than silencing dialogue, governments should invite it. Only when debate moves from the streets to the chambers of power can a nation’s progress be truly considered, well-consulted, and meaningful. Furthermore, a state that fears dissent has already abandoned its confidence in reason. If there is power to govern, there must be equal power to object — not on the margins, but in full view, through protest, as the law permits. Thus, my concluding thought on Labour’s argument to restrain protest under the proposed Bill is that it is not silence that legitimises authority, but the capacity of that authority to withstand scrutiny.