

Is a Society Just and Fair if they Criminalise Protest? The Case of the Right to Protest and Public Order Act 2023

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Abstract

This article will address the right to protest and Public Order Act 2023 linking government rhetoric/political discourse revolving heavily around the “damages” of interrupting the economy, fostering indemnity amongst society which demonise, criminalise and blame the individual exerting their human rights to challenge social harms, instead of taking political responsibility and recognising the harms caused (Amnesty UK, 2023). Social inequalities and injustices, causing social harms, have been brought about by the erosion of trust in government and affiliated bodies, with social unrest due to corruption, cronyism and disintegration of services - with the UK representing the biggest fall of G7 countries, falling to 18th on the Transparency International’s Corruption perspective index (Lawson, 2023 and Maddox, 2021). A historical analysis of protest and the evolution of policies concerning protest will be explored, including examples of protests concerning Covid 19 that were limited/criminalised, the enviroing media coverage and statements made about it. Theoretical perspectives will include, neoliberal discourse, social control and risk society, critical and left realism, zemiological thought to recognise the harms caused and framing theory to analyse the widespread interpretations of events, leading to a moral panic (Arowolo, 2017).

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Protest has a long and proud history as a fundamental foundation in facilitating change to forge the society we live in today. Protesting is a powerful tool for human rights, with things we take for granted such as a woman’s right to vote, pride movement or better working hours being implemented today, because of protestors asserting their beliefs to change agendas and mindsets (Amnesty UK, 2023). Not only can protests pave way for change but they can result in decriminalisation of acts constituted as crimes such as homosexuality, recognising the harms caused to those who are criminalised are greater than the punishable offence (Clement, 2016).

Whilst there is no specific right to protest in UK law, it is respectively protected within articles 10 (freedom of expression) and 11 (freedom of assembly and association) of the European Convention on Human Rights (ECHR) and is incorporated in British Law by the Human Rights Act 1998 (Siddique, 2022). Originating from talks in 1948 by members of the Council of Europe (CoE), Denis de Rougemont listed five pledges to be considered, including; ‘free movement of persons, ideas and goods ... [and] ... liberty of thought, assembly and expression as well as the right to form a political opposition ... [concluding, it] ... offers the last chance of peace and the one promise of a great future for this generation and those that will succeed it’ (Congress of Europe, 1948:2). The ECHR was formally drafted in 1949, with the UK being the first country to implement it in 1951 and by 1953 it was fully implemented. Article 15 (derogation in time of emergency) states specific rights in the ECHR can be removed in an emergency but must be absolutely required and consistent with international law (Council of Europe, 2014). Nonetheless, limitations to the right to protest were introduced in the Public Order Act 1986, following the Brixton Riots in 1981, providing police with powers to restrict or prohibit protests in England and Wales (Mohdin, 2021). In 2022, part 3 of the Police, Crime, Sentencing and Courts Act expanded these powers to significantly restrict our protest rights (Nickolls, 2023). The Public Order Act followed in 2023 including new offences that criminalise certain protests altogether based on lowering the threshold of what constitutes “serious disruption”, including disruption unrelated to the protest as a form of cumulative disruption and peaceful but disruptive protests (Liberty Human Rights UK, 2023 and Siddique, 2022).

More than 150 organisations asserted that, the Police, Crime, Sentencing and Courts Act, 2022 and the Public Order Act, 2023 fundamentally attack the human rights of UK citizens, causing a huge detrimental effect on civil liberties, claiming the new powers of the police are draconian – the Conservatives responded, with co-chair Amanda Milling claiming the acts bring ‘tough new laws to keep people, safe, including many vital measures to protect women from violent criminals’ (Allegretti and Wolfe-Robinson, 2021:1). Labour MP, Jess Phillips called Milling’s response a ‘disgusting and untrue statement’... [stating] ... ‘it does nothing about street harassment and assaults. The ... [Public Order] ... bill is full of divisive nonsense like locking up those who damage statues for longer than those who attack women’ (Allegretti and Wolfe-Robinson, 2021:1). In 2009 the Constitution Committee identified potential issues with fast-tracking legislation, however the public order bill was fast-tracked through parliament without consideration for anyone to fully understand, possible implications and presumptions it was favourable (Allegretti and Wolfe-Robinson, 2021; Parliament UK, 2023). Many opposers of the legislation claimed the focus on combatting violence, as an exceptional circumstance, took focus

away from the “non-essential elements” such as the rights to protest, to address urgent matters that are not going away (Allegretti and Wolfe-Robinson, 2021; Horton, 2022; Syal, 2022). Caroline Lucas (2022), of the Green Party, tweeted ‘this is not a public order bill – it’s a public oppression bill...our right to peaceful protest should be protected, not attacked’ (Lucas, 2022 cited in Syal, 2022:1).

The Home Office (2022) justified the Public Order Act, 2023 by saying ‘these are sensible and proportionate measures designed to allow the police to better balance the rights of protestors and the public’ (Home Office, 2022:1). Examples of disruptive protests included “Just Stop Oil,” between October and December 2022, costing £14.5 million to police, with 750 arrests costing £7.5 million alone and 13,600 police officers being diverted from other duties in the community to respond. Another example used was the Extinction Rebellions protests between April and October 2019, causing a disproportionate impact to the local area and costing £37 million to police the operation (Home Office, 2022). YouGov UK (2022) concluded that most of the public agreed with these measures in the Public Order Act, 2023, with 35% saying it is not strict enough, 31% saying it is just right and 16% saying it is too strict. Further analysis indicated Conservative voters were much more likely to say policing is not strict enough than their Labour counterparts (57%-15%) and less likely to say it is too strict (5% to 31%) (YouGov UK, 2022). These statistics are consistent with neoliberal ideologies as a form of social order and back up the justification for the passing of legislation based on prevention over cure, public protection, and cost effectiveness (Garland 2001; O’Malley 1992; Reiner 2006)

Friedrick Hayek, considered the founding father of neoliberal ideology based his theories on methodological individualism and preservation of the economy (Kolev, 2020). Methodological individualism looks at the phenomenon of individual knowledge with division of knowledge as a core concept to maintain and nurture modern civilisation – a framework interdependent on the state, law, and science, encompassing the order of economy and societal order (Kolev, 2020). Neoliberalism became prevalent in the UK in the 70’s and 80’s, with Thatcher’s government, the Conservative party, prompting legal, social, and cultural processes through economic policies, influencing criminology, crime, and the Criminal Justice system, with the return of classical criminology (Farrall, 2006). Classic criminology looks to individual rationale and everyone being equal in the eyes of the law, supporting the entrenched utilitarianist approach, warranting the greatest good for the greatest many (Bentham, 1879) – justified in the interests of society, to encourage 'decent and useful members of the community' for a collective societal goal (Mannheim, 1946:62). Utilitarianism, in political terms legitimised ‘policies favouring the majority at the expense of the few’ serving the majority and diminishing minorities (Berlin, 1968 cited in Barton and Oliver,

1997:15). This is important when considering the justification of the Public Order Act, 2023, passed by the Conservative government, to understand how political shifts of trajectories in contemporary Britain shape societal values, convincing the public that it serves their best interests to combat crime and preserve the economy (Farrall, 2006).

Similarly explained in “risk society” and “social control” theories by thinkers like, Ulrich Beck, Stanley Cohen and Anthony Giddens – debates are centralised around emerging risks in society, communicated through media sources, which are not sufficient alone to warrant a “risk society”, until they are perceived as a problem by most of society and a tangible connection is made (Beck, 1998; Giddens, 1984 and Sørensen & Christiansen, 2014). The concept of an encompassed accumulation of shared risk, allows people in power to respond to and shape risks to fit with their trajectory, to enable a social contract, whereby rules and laws must be abided (Beck, 2008). However, Beck (2011) recognises that the centre of these risks has manufactured uncertainties, dependant on human perceptions and decisions not being line with experienced risks, because of capitalism and that risk is a temporal concept which evolves over time. Cohen (1985) identifies that individual power is taken away by justifying the response to an overwhelming presence of risk, which creates the urge to conform for protection – incited by fear and the anticipation of endangered futures in an exclusionary system. Criminalising protest vilifies protestors, creating a perception of risk amongst the public, resulting in disruption of the groups protesting and the causes protested – however it is difficult to determine whether some groups pose a risk to society or are at risk themselves and are challenging harmful narratives (Rushton, 2013). Both neoliberal discourse and risk society/social control theories focus on crime control and are less focused on social structures causing crime, whilst marginalised sections of society are addressed, political accountability, through a critical lens, is neglected (Brown, 2011 and O’Malley, 2016).

Critical criminology emerged in the 1960’s, with the development of Left Realism in the aftermath of the Brixton riots in 1981, due the grievances surrounding social and political marginality (Lea, 2016). Left Realism emerged as a political intervention rejecting rational choice theory and the norms of social control, recognising the reality of crime, challenging social relationships between the oppressed/exploited members of society and political power - addressing the ‘increasing global social inequality, social polarisation and economic crisis supervised by increasingly authoritarian neoliberal security states’ (Hallsworth and Lea 2012; Lea and Hallsworth 2012a cited in Lea, 2016:2). Left Realism infers ‘epistemological and methodological orientations which substantially cohered with those of Critical Realism’ – Critical Realism recognises the phenomenon of individual subjectivism in defining reality and

acknowledges this reality within social injustices (Lea, 2016:2; Taylor, 2018). Building on Marx's work as a foundation to recognise social structures that cause harms and criminalise marginalised individuals (Clement, 2016). People experiencing harms often turn to crime to survive, but the belief in the power of protest emerged as a mechanism to influence and change consciousness, to promote change in society, enabling access to equal opportunities through tactical rebellion instead of crime (Scott, 1990 cited in Clement, 2016). However, Farrall (2006) contests that left realism fails to address specific policies, instead, concentrating on macro-level analysis – taking away the importance of individual experiences and the influence on events.

Dorling (2014) states that the United Kingdom has become 'one of the most unequal societies in Western Europe' and political marginalisation continues to increase - to combat neoliberal austerity, the success of local democracy is essential (Dorling 2014, cited in Lea, 2016:6). Koczanowicz (2015) pertains, the reality of crime can only be understood as an outcome of democratic debate, where all members of society participate as a 'critical community' (Lea, 2016:3). If most of the public agree with the measures imposed in the Public Order Act, 2023 as a form of social control in response to the proposed risks, the marginalised groups do not have a democratic public sphere and the policy fundamentally excludes, isolates and labels the protestors as deviant, without recognising the harms they are protesting (Young, 1999 cited in Lea, 2016).

Following the aftermath of the 2008 financial crisis and the austerity agenda, which led to economic crisis and social conflict, 2011 saw a peak in protest and 2019 saw the highest number of reported protests in the media since the 1980's (Bailey, 2020). In 2007 before the global economic crisis, there were only 83 reported protests and by 2019 there was 275, highlighting that protest had risen due to a response to sociopolitical harms (Bailey, 2020). It is important to recognise the types of people conducting protests has uncharacteristically evolved to reflect the effects of sociopolitical structures and relationships, that do not only effect stereotypical marginalised sections of society but professionals like doctors and lawyers (Bailey, 2020). Many of these protests, since 2011, have influenced policymaking processes - the protest against tuition fees resulted in raising the threshold to £25,000 instead of £21,000 before the fees had to be repaid. The decade of 2010 brought about acrimony with growing frustration against the lack of democratic accountability, with levels of dissent increasing in the 2020's, due to things like, but not limited to, the aftermath of Covid-19 and the current cost of living crisis. So, is it not more important than ever to assert our rights to protest, for social movements to overthrow 'a global system being exposed as tyrannical, austere and ripe for destruction', rather than criminalise those who speak out against social harms (Clemet, 2016:188)?

Hillyard and Tombs (2004) believe social harms go unpunished in our society and historically, only actions established as crimes are punishable, through law. ‘Zemiology provides a deeper theoretical basis,’ ... [compared to criminology and the notion of crime, to make sense of social injustices, brought about by social harm] ... ‘and the connection to crime’ (Atkins, 2023:2). Zemiology enables a field of study, providing ‘an alternative lens that captures the vicissitudes of contemporary life’ (Pemberton 2015:7). Systematically denying and criminalising the right to protest could result in individual and social stratifications, leading to social exclusion (Hillyard and Tombs, 2004). The right to protest has been explored through a case study; the catastrophic consequences of inequality and social harm caused during the Covid-19 pandemic and related protest (Hudson, González-Gómez and Claasen, 2021 and Syal, 2023).

The panaceas put forward by Boris Johnson’s government, during the Covid-19 pandemic, to address public health concerns encompassed political inertia of the consequential harms marginalised sections of society could face - restrictions of daily life and social distancing measures imposed, sacrificed our freedoms, causing unprecedented harm and sacrifice, justified as a public health approach ‘to protect society from a specific harm’ ... [but caused] ... ‘many other exacerbated harms’ (Atkins, 2023:3). Marginalised sections of society experienced systemic harms at distinct and intensifying levels, with affluence minimising these harms - ‘the uber-rich moved into their yachts, the merely rich fled to their second homes, the middle class struggled to work from home’ (Saad-Filho, 2020: 480, cited in Atkins, 2023:3). The political accountability was largely ignored by those in power, who capitalised on their features by sacrificing the needs of certain sections of society – a systemic pursuit, as a form of structural violence, in an unequal system, branding those affected as ‘losers upon the field of neoliberal capitalism’ (Briggs *et al.*, 2021:15 cited in Atkins, 2023:4).

Some of the consequences of the panaceas were, but not limited to, unemployment rates rocketing to 318,000 more in September 2020 to the previous year and 314,000 redundancies between July and September 2020 – consistent with 50% more businesses closing in September 2021 than the same month in 2019 (ONS, 2021 and Williams, 2021). Expectedly, there was 6.5 million people experiencing extreme poverty in 2020, a rise of 4.8 million since 2003 (Butler, 2022). Education was massively disrupted, intensifying educational inequalities, poorer households spent 1.5 hours a day less accessing education and 1.9 million families had no internet access (Harris and Jones, 2020, cited in Atkins, 2023). The above paired with social isolation and lack of meaningful structure resulted in the rates of people experiencing mental health issues escalating – with 80% of 2036 children surveyed saying their mental health was worse since Covid-19 and consistent with one in seven adults experiencing suicidal thoughts and feelings of hopelessness (Young Minds,

2020 and O'Connor *et al.*, 2020). Domestic Violence rates fell from 65,716 in December 2019 to 61,947 in April 2020. However, upon investigation, 50.7% of women claimed their abuse worsened during lockdown but because the Crime Survey for England and Wales changed their survey to a telephone system, they did not declare it and 15.9% said they had no support network due to isolation and their partner being at home more (Austin *et al.*, 2020; ONS, 2020). The capacity of the NHS was a focus of the government and to free up space, Do Not Attempt Cardiopulmonary Resuscitation (DNACPR) orders were placed on certain individuals' files, without consent, based on their health conditions – subordinating their life (Booth, 2020). Many died in hospital due to DNACPR and Sally-Rose Cyrille, the sister of Sonia Deleon, said 'Sone was totally written off. She was devalued, dehumanised and her life was not of value,' due to her having learning difficulties (Buchanan, 2021:1 cited in Atkins, 2023:6). The moral and ethical use is currently being investigated, nonetheless, nobody has been held accountable (Compassion in Dying, 2020).

It is evident that irreversible harms inflicted, represented 'the purest and most extreme embodiment of the abusive, negligent and exploitative relationships between the capitalist socio-economic system and the individual' (Hall and Wilson, 2014: 650 cited in Atkins, 2023:6). The new range of powers, under the Covid Act 2020, given to agencies to impose strict measures were branded 'utterly ridiculous' ... [and a] ... 'misleading spin' used to serve those in power (Elgot and Weaver, 2021:1 cited in Atkins, 2023:7). When family members, living outside the home, could not enter your home, police could enter, without permission, to enforce lockdown rules – issuing Fixed Penalty Notices (FNP's) and imprisonment of up to ten years for those breaching travel restrictions, by misleading investigations to evade quarantine hotels (Brown, 2020). The disproportionate punishments surrounding travel and lockdown restrictions, meant you could 'get a longer sentence for lying about travel than you do for carrying a firearm in the street' (Elgot and Weaver, 2021:1 cited in Atkins, 2023:7). When MP Dominic Cummings travelled 30 miles during the first lockdown, he evaded prosecution, resulting in the decline of public support surrounding the imposed measures, known as the "cumings effect" (Bland, 2020:1). Luke Majeed, then, decided to travel out of his town, the same as Dominic Cummings and was prosecuted and fined (Weaver, 2020). It is not surprising that 'the consequences of power inequality through the lack of political accountability' brought about a feeling of unrest associated with social systems, leading to an upsurge of protests – the interactions and collective perceptions led to amplified tensions, bringing together individuals as a form of civil resistance, to try and mobilise change (Atkins, 2023:8; van der Zwet *et al.*, 2022).

Several protests have taken place since the covid-19 restrictions were implemented, including protests relating to Black Live Matters movement, Reclaim These Streets (following the

murder of Sarah Everard by a Police Officer), policing of the pandemic and anti-lockdown/freedom marches (Parliament UK, 2021). For the purpose of this study, several protests concerning covid 19 restrictions (to enable a deeper analysis), were explored through the lens of the media compared to content published from those in support. To highlight how the media introduce 'news items with predefined and narrow contextualisation ... as a form of agenda-setting', which influences the audiences thought and how to perceive the issue, analysis was conducted through framing theory/moral panics, which as discussed justifies the Public Order Act 2023 and the criminalisation of protestors because society perceive them as a risk (Arowolo, 2017). Seen in Stuart Hall's study, which examined moral panic and sensationalist newspaper reports concerning a rise in muggings by young black youths living in London – headlines incited a fear in the community, of black youths, segregating them based on societal reactions and victimisation. Contrarywise, Halls research evidenced the rate of muggings was less than that of the previous decade, supporting the stratifications presented theoretically in this case study (Hall et.al, 1978).

'Coronavirus sceptics, conspiracy theorists and anti-vaxxers protest in London' was a headline from the Guardian, reporting a protest held in August 2020 regarding coronavirus restrictions and civil liberties. Protestors including Piers Corbyn, the former Labour leader Jeremy Corbyn's brother, called for MPs to contest to renewal of the Coronavirus Act, asserting authoritarian objections (Gayle and Blackhall, 2020). Elisha Edwardes said 'A lot of the scenarios we are seeing now do not make sense and people are not questioning it. The lockdown has affected more people than the virus itself,' with another demonstrator commenting 'If you want to profit off the back of my health, then it's not my health that's important to you' (Gayle and Blackhall, 2020:1). The headline labels and frames the individuals involved and does not address the harms, they are articulating which are evidenced in this work. Corbyn informed the Guardian on the eve of the protest that people had united to join the cause and 'In terms of whether you believe that the virus is a hoax or not, whatever is happening now is less than or equal to a normal flu, so the lockdowns and all that goes with them is unjustifiable in any terms' (Gayle and Blackhall, 2020:1). Consistent with statistics shown by the Office for National Statistics 'COVID-19 is mentioned on fewer death certificates than flu' (ONS, 2022). Corbyn's statement is not elaborated or supported with facts, which again solidifies the headline used and incites a societal reaction that these people are sceptics, conspiracy theorists and anti-vaxxers, to diminish their cause.

Piers Corbyn, who continually maintained the measures brought in during covid-19 whittled away civil liberties, was later arrested at a protest which took place on November 5th, at Trafalgar Square (Dunne, 2020). Following this protest the Metropolitan Policed issued a statement concerning the planned protest on the 28th November; 'the Met is urgently reminding

those looking to attend that protest is not currently a permitted exemption to the prohibition on gatherings under the current Coronavirus regulations' (Dunne, 2020:1). Police Commander, Chief Superintendent Stuart Bell, said: 'our city is in a critical fight against Covid-19, and we cannot allow gatherings to jeopardise the progress and sacrifices our communities have made in fighting this virus' (Dunne, 2020:1). On the 28th of November 2020, 143 people were arrested or detained by the Metropolitan Police, with 82 receiving FPNs and 10 people being charged separately for Covid offences - 1,340 officers were deployed to the scene, costing £794,870.07 (Met Police UK, 2022). The law surrounding protest during lockdown was unclear, whilst the law prohibited mass gatherings and leaving the home without a valid reason, it did not state you could not leave for the purpose to protest, which as discussed is protected with Article 10 and 11 ECHR and is deemed a reasonable excuse to leave the home (Parliament UK, 2021).

The headline in the Guardian, the evening of the protest read 'Police arrest 155 anti-lockdown protestors in London' with the subheading of 'Police say demonstrations are illegal and risk spreading coronavirus, but rights groups say claim is outrageous' (Gayle and Busby, 2020:1). The figures do not match with those above, released by the Metropolitan Police as part of a Freedom of Information request (ref: 01.FOI.21.022161) and it is inciting it is outright illegal, despite the report from the House of Commons and the House of Lords stating the law is blurred and unclear (Met Police UK, 2022 and Parliament UK, 2021). The article also reports that the number of people in attendance was unclear, although similar protests have seen tens of thousands of people (speculation) – there was 1,340 officers at the scene, which is a considerable amount and adds to the total of people gathered at one time, but this is not reported (Gayle and Busby, 2020). It frames the narrative that the protestors are a risk to society and are spreading the virus, which creates a moral panic and vilifies the protestors. Nevertheless, it then goes on to say it is causing travel disruption and people are urged not to travel into London – they are proposing a nonsensical risk when travel is restricted under lockdown rules. The findings are challenged, with barrister Adam Wagner's tweet quoted 'The only remaining question is whether protest is a 'reasonable excuse' to be outside of the home and I think since regulation 10 allows gatherings to be organised it would be strange if attending a protest wasn't an unlisted reasonable excuse' (Gayle and Bushby, 2020:1). However, with the nature of the article, this will alter public perceptions and influence them to think it is not a reasonable excuse because of the public health risk (Arwolo, 2017).

Other headlines include; 'Covid: Arrests during anti-lockdown protests in London,' 'Covid: Clashes as police shut down protest over new rules,' 'Eight officers injured policing anti-lockdown protest in London' and 'Anger in Met after violence at London anti-lockdown protest' (Badshah, 2021; BBC, 2020; BBC 2021; Grierson, 2021). The headlines listed use language which infer that

the individuals involved are criminals, labelling the protestors as law breaking, taking away political accountability which serves their national agendas – consistent with the ideologies of framing theory which focuses on certain aspects of events through natural frameworks (physical occurrences) and social frameworks which are socially driven to manipulate social players (general public), by objectively presenting the data to be processed in a certain way to build up a narrative (Goffman, 1974). Drake *et al.* (2023) propaganda studies recognise constructed narratives influence political discourse and public perspectives – coining the term “copaganda” which fits with these headlines that uncritically promotes and endorses police practices. Bernabo (2022: 488) defines the phenomenon as ‘stories ... [that] ... promote supportive images of police and undermine efforts at systemic reform’. The narrative present here is that the Public Order Act 2023 is necessary because the protestors pose a risk to society – when it challenges our democracy and our capacity to collectively voice dissent, which has been crucial during the pandemic and the curbs on our civil liberties (Bradley, 2020). Liberty (2020) claimed ‘countless people have been wrongly criminalised under the rushed and draconian Coronavirus Act ... coming into force at the stroke of a minister’s pen, with parliament given an opportunity to vote only weeks later’ (Liberty, 2020 cited in Bradley, 2020:1). Criminalising the right to protest is another way for the government to limit our ability to stand up to power inequality, weakening our human rights and the ability of courts to hold them accountable (Bradley, 2020).

However, there was not many available sources, which leads to the question on the ability of the press to document events, freely. Angela Christofilou questions ‘will we be able to capture, document and share powerful images such as these, that raise awareness of injustices, the same way we have done until now and if so, at what cost’ (Christofilou, 2021:1)? Four journalists were arrested on suspicion of conspiracy to cause a public nuisance, covering a protest in November 2022 - a review was requested and revealed that ‘police powers were not used appropriately ... [and] ... were a threat to press freedom ... with the individuals’ freedom of expression under article 10 of the ECHR’ (Gayle, 2022). Kevin Blowe, from Netpol, said ‘ Hertfordshire constabulary’s actions fit a template where police forces’ approach was to disregard people’s rights to protest ... and to deal with any fallout later ... yet nobody is individually accountable for what amounts to false imprisonment and that just leaves a civil action, which the police will settle in a couple of years’ time without admitting liability, ’ (Gayle, 2022:1).

It appears that the ECHR does not achieve its purpose and its jurisdictional powers risk becoming a symbolic venue for the imposition of a hegemonic political order, with the power to apply Article 15 of the ECHR lying on the nation state and their national agendas – there have been many problems identified by criminologists concerning the functioning of the law and

upholding the ECHR (Soliman, 2021; Vervaele, 2019). Soliman (2021), argues that evidence shows ‘the need to move beyond crime-based categories in favour of a social harm approach’ (2021:228). This is not possible when the harms articulated are criminalised, through harmful policies such as Police, Crime, Sentencing and Courts Act 2022 and the Public Order Act 2023.

To conclude, is a society just and fair if they criminalise protest? Lockdown restrictions amplified marginality with consequences remaining to this day - with no immediate action and a lack of democratic accountability from the government. It is not surprising that the consequences and harms endured brought about a feeling of unrest associated with social systems, leading to an upsurge of protests. Systematically inhibiting and criminalising the right to protest could result in individual and social stratifications, leading to social exclusion by criminalising those who speak out against social harms. It is more important than ever to assert our rights to protest, for social movements to overthrow a system that embodies exploitative relationships between the nation state and the individual. It is evident that human rights are being exploited, the Public Order Act 2023 systematically denies our human rights protected in article 10 and 11 of the ECHR, which denies our rights to challenge the articulated harms and to assert our beliefs to change agendas and mindsets to combat these harms. Criminalising the right to protest is a neoliberal ideology focused on crime control through risk society and social control discourse, which serves the powerful and dismisses the minorities, convincing the public that it serves their best interests to combat crime and preserve the economy – it is neither just nor fair!

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