

The latest news and announcements from Derbyshire UNISON

Police, Crime, Sentencing and Courts Bill

The point of a demonstration is to be heard and to have an impact - the explicit aim of the Police, Crime, Sentencing and Courts Bill seems to be to minimise any impact



An attack on free speech and the right to protest

There are some good things about this enormous, multi-faceted new Police, Crime, Sentencing and Courts Bill that is being rushed through Parliament at speed this week. These include things that UNISON has long campaigned on, such as defending our frontline public sector workers from attack.

But, sitting right in the middle of it, is one of the biggest threats to freedom of peaceful protest that I have ever witnessed.

UNISON has several serious concerns about this proposed legislation that would seriously affect our ability to protest peacefully, effectively and free from undue interference on the right to freedom of expression.

Clearly the new definition of nuisance, to include 'serious annoyance', could specifically apply to almost any protest at all close to Parliament, where the whole purpose is presumably to get the attention of politicians.

It might therefore cause 'serious disruption' of an organisation. It also apparently applies to passers-by. If the noise of the protest could have 'a relevant impact on

Contacting Derbyshire UNISON

01629 582266

branch@unisondc.co.uk

derbyshireunison.com



persons in the vicinity of the procession', it would seem the police can impose restrictions.

The point of a demonstration is to be heard and to have an impact - the explicit aim of this Bill seems to be to minimise any impact.

It seems to be a case of: feel free to protest, but in small numbers, over there out of the way, don't draw attention to yourselves and for heaven's sake make sure your elected representatives aren't disturbed!

The introduction of truly draconian new criminal penalties is also a hugely worrying attack on liberty.

Committing non-violent offences in the course of peaceful protest does not imply high levels of culpability, therefore the penalties should be moderate. The proposals here are anything but moderate.

A person liable for nuisance under this bill (as it currently reads) could be liable for 10 years in prison, an unlimited fine, or both.

These proposals are based on, but go much further than similar offences that currently sit within common law, governed by case law.

Moving to primary legislation could be seen as simply giving more clarity - if it were a simple codification of existing practice, but it isn't.

It seems a deliberate re-interpretation, designed to substantially restrict protests and demonstrations going forward, to strip them of the inherent impact that might otherwise be permitted in law.

Worrying changes to the 'burden of proof' in any cases brought before the courts is also hugely concerning. When the burden of proof shifts from the prosecution to the defence we should all prick up our ears and be worried about what's happening to our rights and fair access to justice.

Overall the Police, Crime, Sentencing and Courts Bill appears to be a deliberate curb on free speech and the right to peacefully protest - principles this and every other union were built upon.

Christina McAnea
General Secretary