

Ref: CommHR/MOF/sf 117-2025

The Rt Hon Shabana MAHMOOD MP

Secretary of State for the Home Department of the United Kingdom

Strasbourg, 23 September 2025

Dear Secretary of State,

Allow me to begin by offering my best wishes in your new role.

The regulation and policing of protests was one of my topics of interest during my recent visit to the United Kingdom (30 June-4 July). I would like to expand on my initial observations in my [end-of-visit statement](#) of 8 July.

The policing of protests relating to the conflict in Gaza has become ever more prominent since my visit, especially following the proscription of the organisation Palestine Action, which has been criticised [by UN experts](#) and the [UN High Commissioner for Human Rights](#). I observe that large numbers of arrests have reportedly been made for displaying placards or banners expressing solidarity with the organisation or disagreement with the government's decision to proscribe it. I am aware that 'support' for a proscribed group is an offence under the Terrorism Act 2000. In this regard I recall that domestic legislation designed to counter 'terrorism' or 'violent extremism' must not impose any limitations on fundamental rights and freedoms, including the right to freedom of peaceful assembly, that are not strictly necessary for the protection of national security and the rights and freedoms of others (see, for example, the ODIHR/Venice Commission [Guidelines on Peaceful Assembly](#)). I ask the government to take all necessary steps to ensure that the policing of protests conforms to this and related principles of law.

I also recall my concern about the legal framework on protests that remains in place more generally, since it raises questions under the European Convention on Human Rights. Changes following the adoption of the Police Crime, Sentencing and Courts Act 2022 and the Public Order Act 2023 continue to allow authorities to impose excessive limits on freedom of assembly and expression, and risk over-policing. Following recent court findings that regulations defining serious disruption as "more than minor" disruption are unlawful, I encourage your government to ensure that any arrests or convictions based on these regulations are subject to review. Furthermore, I would recommend that a comprehensive review of the compliance of the current legislation on the policing of protests with the United Kingdom's human rights obligations be undertaken.

Additionally, I am concerned that the Crime and Policing Bill that is currently before the House of Lords may raise compliance concerns. I refer, for instance, to provisions creating a new offence in relation to concealing one's or another person's identity in locations designated by the police. I observe that the ODIHR/Venice Commission Guidelines on Peaceful Assembly set out that the wearing of masks or other face coverings at a peaceful assembly may be done for expressive purposes and should not be prohibited where there is no demonstrable evidence of imminent violence. Accordingly, the blanket nature of the offence, especially when the police already have powers to require individuals to remove face coverings in specific cases, as well as the potentially broad nature of "concealing" identity in other ways, raises questions of necessity and proportionality. With regard to such matters, I refer to the concerns expressed by [UN experts](#).

Finally, regarding the provision in the Crime and Policing Bill relating to restrictions on assemblies held “in the vicinity of a place of worship”, I am concerned about the undefined term “vicinity”, which raises issues of the foreseeability and scope of the law. This provision might render it impossible in practice to organise protests in large parts of cities and towns, where there is a likelihood of places of worship being near any chosen protest site or march route. I also note that the provision appears to provide wide discretion, including a large measure of subjectiveness, for the authorities to decide to impose restrictions. In light of the case-law of the European Court of Human Rights, the Guidelines on Peaceful Assembly, and other international standards, I would encourage you to reconsider these provisions.

I look forward to continuing our constructive dialogue on these and other matters.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Michael O'Flaherty". The signature is fluid and cursive, with a long horizontal stroke at the end.

Michael O'Flaherty