



UK Mission
Geneva

UK Mission Geneva
PO Box 6
Avenue Louis Casar 58
1216 Cointrin GE

Tel: 022 918 2453
Fax: 022 918 2333

Note Verbal No. 180

The Permanent Mission of the United Kingdom of Great Britain and Northern Ireland presents its compliments to the Office of the United Nations High Commissioner for Human Rights and has the honour to submit its' response to communication AL GBR 7/2024, further to the letter dated 8 May 2024 from the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on the promotion and protection of human rights in the context of climate change; the Special Rapporteur on the human right to a clean, healthy and sustainable environment; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur on the rights to freedom of peaceful assembly and of association.

The Permanent Mission of the United Kingdom of Great Britain and Northern Ireland avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights the assurances of its highest consideration.



Geneva, 4 July 2024

Special Procedures Branch
Office of the High Commissioner for Human Rights



UK Mission
Geneva

United Kingdom of Great Britain and Northern Ireland

Response to Special Procedure communications AL GBR 7/2024 from the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on the promotion and protection of human rights in the context of climate change; the Special Rapporteur on the human right to a clean, healthy and sustainable environment; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur on the rights to freedom of peaceful assembly and of association.

Thank you for your letter of 8 May 2024 to the Foreign Secretary following information brought to your attention about the sentencing of Mr Stephen Gingell. The UK Government (the “Government”) has examined your letter closely and responds to your observations below.

Sentencing in individual cases is a matter for our independent courts. When deciding what sentence to impose, courts must consider the circumstances of the case, including the culpability of the offender, the harm they caused or intended to cause, and any aggravating and mitigating factors. The courts also have a statutory duty to follow any relevant sentencing guidelines, developed by the independent Sentencing Council for England and Wales.

The Government is fully committed to protecting and preserving the fundamental rights to freedom of assembly and expression. The Public Order Act 2023 is compatible with these rights. The legislation was subject to significant public scrutiny and was introduced alongside a legal issues memo which attested to its compatibility with the European Convention on Human Rights. Recognising that these are qualified rights, it is our strong view that they must be balanced with the rights of others to go about their daily lives without serious disruption.

Protest groups such as Just Stop Oil make explicit their intention to cause disruption to the public. Between April and July 2023, Just Stop Oil held 515 slow walk protests in London, which required the deployment of 23,500 police officers and resulted in a cost to the public purse of £7.7 million. Furthermore, these protests caused

significant delays to those attempting to go about their daily lives and have resulted in serious disruption, for example by stopping ambulances from getting to hospitals. On some occasions, this behaviour has raised tensions to points where those using the roads have attempted to resolve the situation themselves.

The police in the UK are operationally independent from Government, meaning that Government Ministers and officials cannot direct the police in operational matters. This includes the management of protests and the use of police powers. In addition, the provision of guidance to police around how they should manage protests, and their obligations under the European Convention on Human Rights (ECHR), is the responsibility of the College of Policing who also operate independently. The College of Policing have published and distributed guidance which ensure police carefully balance protesters' Article 10 and 11 rights to assembly and expression, with the rights of others. Although the College of Policing are operationally independent, the UK Government regularly reviews all guidance published to ensure it accurately reflects the legislation and their obligations under the ECHR.

All Government legislation is subject to post legislative scrutiny, and the measures in the Public Order Act 2023 are applied in a manner compatible with the ECHR, whilst respecting the operational independence of the police, Crown Prosecution Service, and the judiciary.