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in Geneva

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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 OL GBR 07/2025 further to the letter dated 3 July 2025 from the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Working Group on Arbitrary Detention; the Special Rapporteur on the promotion and protection of human rights in the context of climate change; the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on the right to privacy and the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism

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.



Special Procedures Branch
Office of the High Commissioner for Human Rights



UK Mission to the
United Nations
in Geneva

United Kingdom of Great Britain and Northern Ireland

Response to UN Special Procedure Correspondence

OL GBR 07/2025 of 3 July 2025 sent by the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Working Group on Arbitrary Detention; the Special Rapporteur on the promotion and protection of human rights in the context of climate change; the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on the right to privacy and the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism

Thank you for your letter of 3 July 2025 regarding the adoption of clauses 108-110 in the Crime and Policing Bill on the use of face coverings in protests.

The Bill is currently still before Parliament in the UK, and Clauses 108 to 110 have been the subject of discussion and scrutiny during the House of Commons Committee and report stages. A full account of the parliamentary proceedings, including the range of views expressed on the draft clauses, can be found in the official Hansard record.

We note your six observations regarding the proposed concealing identity measure in the Crime and Policing Bill, along with six accompanying recommendations for the Home Office to consider, which are addressed below.

The proportionality of face coverings measures 108-110

In your first observation you state, '***Prohibiting items that may conceal one's identity, such as placards, infringes on participants' right to decide how to express themselves during protests.***'

You also request '***please indicate how restricting face coverings at protest are both necessary and proportionate to achieving the interests of national security, public safety, public order, the protection of public health or morals, or the protection of the rights and freedoms of others.***'

The UK Government is committed to its international human rights obligations. The new offences in question are narrowly targeted at specific harmful behaviours, not protest itself, and are considered proportionate measures to protect public order.

The clauses do not prevent peaceful assembly but seek to regulate conduct that undermines public trust or accountability. Individuals exercising their rights to peaceful protest will not be affected. These measures align with human rights standards by imposing necessary and minimal restrictions to protect wider democratic values.

A pressing social need for these measures was demonstrated by the disorderly conduct witnessed at certain protests in the UK in recent years. We have seen, on a number of occasions, protestors using face coverings to conceal their identity as a means of evading conviction for criminal offences committed during protests, and that the existing police powers to require the removal of such face coverings are not effective in preventing this. The current legislation allows police to direct individuals to remove face coverings in designated areas and to seize them. However, a gap in the framework lets individuals comply in one area, then move elsewhere and put the covering back on. The new measures aim to close this gap in the framework.

Importantly, the offence explicitly excludes individuals who cover their faces for legitimate reasons, such as religious observance, health, or occupational requirements. These exemptions are clearly set out in the legislation to ensure

that such individuals are not criminalised under this provision. Given this, the limited context in which wearing a face covering will be a criminal offence at a protest has led us to deem that the measure is proportionate.

Under Section 6 of the Human Rights Act (HRA) 1998 the police, the Crown Prosecution Service and the courts have a duty to act compatibly with Convention rights when exercising their powers and duties, which provides a safeguard against any potential disproportionate interference. Further, the courts are also under a duty to read and give effect to the provisions in a way which is compatible with Convention rights under section 3 of the HRA 1998.

The Government is therefore confident that the proposed measure strikes a proportionate balance between enabling the police to manage public order effectively and safeguarding the rights to freedom of expression and peaceful assembly in England and Wales. The measure has been carefully designed to avoid any undue restriction on these rights.

Public Order legislation and Police Powers

You also observed, '***Disruptions caused by peaceful assemblies, including protests, should be met with a substantial degree of tolerance by both the general public and law enforcement.***'

We maintain the view that the right to peaceful protest is a fundamental part of our democratic society. It is a long-standing tradition in this country that people are free to gather and to demonstrate their views, provided that they do so within the law. Public Order legislation does not seek to infringe on an individual's rights to freedom of expression and assembly. However, the right to peacefully protest does not extend to behaviour that is violent or causes harassment, alarm or distress to others.

Additionally, you make the following observation, '***The right to privacy to public spaces, including the right to participate anonymously in peaceful protests.***'

Clauses 108 -110 of the Crime and Policing Bill do not seek to change what constitutes a peaceful protest. Rather, these provisions equip the police with additional, necessary powers to manage protest activities that pose a risk of criminal behaviour or serious disruption to the public.

The Government is clear that these powers must be exercised in a way that is proportionate and consistent with individuals' rights to freedom of expression and peaceful assembly. The intent is not to restrict lawful protest, but to ensure that the police are able to respond effectively when the rights of others are significantly affected. Whilst we recognise the general principle of the right to privacy, including the right to participate anonymously in peaceful protest, this is a qualified right. It may be lawfully limited where necessary and proportionate in pursuit of legitimate aims such as public safety, the prevention of crime, or the protection of the rights and freedoms of others.

You also state, ***'the vague and over-broad language in certain clauses of the Bill would grant law enforcement excessive discretion in pursuing legal action'*** and ***the ambiguity of "commission of offences" is concerning, as it may enable law enforcement to justify right restrictions based on minor offences.***

While the management of protests is an operational matter for the police, the Government expects police forces to exercise this new power in a reasonable, proportionate, and rights-compliant manner, in line with existing legal obligations and operational guidance.

It will only be an offence where a designation has been made, which requires a police officer of the rank of inspector or above to have the reasonable belief that a protest may take place in a particular locality that is likely to involve the commission of offences, and it is expedient, in order to prevent or control the commission of offences, to make a designation. Such a designation can only last for 24 hours (unless extended by an additional 24 hours on the basis that offences have in fact been committed or suspected to have been committed).

It is important to note that police already hold powers under section 60AA of the Criminal Justice and Public Order Act 1994 to require individuals to remove face coverings and to seize those items. However, following close consultation with policing partners, (and as mentioned above) we identified a gap in the existing framework: individuals could comply with a direction to remove a face covering in one location but then relocate and re-cover their face in a nearby area, undermining the intent of the direction.

To address this operational risk, the new measure establishes a specific offence of concealing one's identity within police-designated protest areas. This is designed to support effective enforcement and ensure the powers available to the police are fit for purpose in managing serious disruption.

The proportionality and application of Clause 109

In relation to the case-by-case assessment of face coverings at a designated protest you observe that, '***Restrictions on the use of face coverings during protests must be based on a case-by-case assessment and justified by a demonstrable risk of harm. As such, a blanket ban on face coverings is inherently disproportionate***'.

Your letter includes three further requests:

'Please provide information regarding the methods in which law enforcement officials will grant notification to the public regarding the designation of a locality under clause 109(2)-(4), as well as clarification regarding the minimum notice period for the public notification prior to the designated locality being activated, and also how the notification will make sure that minorities and vulnerable groups receive the notifications in a non-discriminatory way.'

'Please provide information regarding how the assessments on vague provisions will be included under clause 109(1) such as "likely to involve

the commission of offences", "reasonably believe" and others be carried out.'

'Please indicate which offences included under clause 109(1)(b) will be included, as well as the protocol that will be used for ensuring that a case-by-case assessment is realized.'

The method and timing of public notification following the designation of an area under clause 109 will fall within the operational discretion of each police force, taking into account local circumstances and the nature of the protest. The legislation does not prescribe a minimum notice period, allowing forces to act swiftly where necessary to maintain public order and safety.

However, it is expected the police will issue notifications in a way that is reasonable, proportionate, and consistent with their duties under the Equality Act 2010 and the Human Rights Act 1998. This includes ensuring that any communication does not disadvantage minority or vulnerable groups, and that information is shared in accessible formats where appropriate.

Regarding clause 109(1), the terms such as *"likely to involve the commission of offences"* and *"reasonably believes"* are consistent with established legal drafting and precedent used in other public order and policing legislation. These thresholds are designed to allow officers to exercise professional judgment based on intelligence, context, and risk assessments. Police forces are expected to apply these thresholds carefully, supported by operational guidance.

In relation to clause 109(1)(b), the offences that may be considered will depend on the specific context and intelligence available at the time. The determination of whether a protest is likely to involve such offences will require a case-by-case assessment. To ensure consistency and accountability, the Government expects the College of Policing and the Crown Prosecution Service to provide guidance and training on how these provisions should be interpreted and

applied. This will support operational decision making and help ensure that any actions taken under Clause 109 are proportionate, justified, and legally robust.

Government ministers do not have the authority to direct how police apply these powers. This is a deliberate safeguard designed to protect the operational independence of the police and uphold public trust in the impartial application of the law.

Finally, you make the following recommendations: ***'Please detail the consequences of the face covering restrictions will be addressed, including potential chilling effects that may undermine the exercise of the rights to assembly, expression and participation, especially minorities, vulnerable communities and human rights defenders'***.

As outlined earlier, the offence includes clear exemptions for individuals who cover their faces for health-related reasons, religious observance, or as part of protective clothing required for work. As such, action will only be taken against persons who are wearing the item without a legitimate purpose and who are therefore considered to be wearing the items for nefarious reasons.

The Government acknowledges that the offence does not extend to other reasons for concealing identity, including those that some individuals may consider legitimate, such as the protection of personal identity during protest. However, the offence is narrowly defined and applies only in specific, police-designated protest areas where there is a reasonable belief that the concealment of identity is linked to criminal activity or serious disruption.

In this context, the measure is not expected to affect the vast majority of peaceful and lawful protesters, whose actions will fall entirely outside the scope of the offence. The Government is confident that the provision is proportionate and compatible with the European Convention on Human Rights, including the rights to freedom of expression, assembly, and association. It has been carefully designed to support public safety while ensuring the exercise of these rights remains protected.

We recognise the complexity and importance of this issue and are grateful for your considered engagement. Thank you again for taking the time to share your concerns.