

Protesting During the Pandemic: Risking Lives or Saving Them?

Since the start of the COVID-19 pandemic in March 2020, there have been several protests in the UK - from Extinction Rebellion and Black Lives Matter to protesting against COVID-19 legislation – during national lockdowns. One of the most recent, however, was the vigil for Sarah Everard and consequent protest against how the vigil was policed. As protests persist and parliament votes on the 'Police, Crime, Sentencing and Courts Bill 2021', the ethics behind protesting during a pandemic and the ways they are policed have come into question.



Rose (2021) Poster from Reclaim These Streets protest¹

The kidnapping and murder of Sarah Everard spurred media attention, with people from all over the world sharing their experiences of gender harassment and campaigning for increased women's 'safety on the streets'. On the 13th of March, a vigil for Sarah Everard was held at Clapham Common². Current national lockdown rules prohibit gatherings of more than two people. The government had asked that people not attend the vigil in order to adhere to COVID-19 lockdown rules, legitimising police presence, but there has been an outcry against the police force that was used. Police are allowed to arrest individuals who refuse to respond to questions at a protest, under the assumption that they are breaking COVID-19 rules. If individuals leave after being asked to disperse, they will not be fined or arrested³. Participants reported the vigil was peaceful and socially-distanced until police arrived and began to break it up, arresting people who did not comply. The following day, on the 14th of March, activists assembled in London to protest police 'violence' employed at the non-violent vigil.

In an online poll, when asked 'Should people be able to protest, even if these protests mean breaking COVID-19 laws?', 64% of participants answered 'Yes'. To investigate further, I interviewed two of the participants from opposing viewpoints.

¹ Shead, E. (2021) All the best signs from this weekend's Reclaim These Streets protests and vigils, The Tab [accessed 25/03/2021] <<https://thetab.com/uk/2021/03/15/all-the-best-signs-from-this-weekends-reclaim-these-streets-protests-and-vigils-198895>>

² McGee, L. (2021) With UK police under fire, Boris Johnson pushes new bill that could end peaceful protests, CNN [accessed 25/03/2021] <<https://edition.cnn.com/2021/03/16/uk/uk-crime-bill-sarah-everard-protests-clampdown-intl-gbr/index.html>>

³ Liberty Human Rights (2021) Can I attend a protest during the Tier 4 National Lockdown in England?, Liberty [accessed 25/03/2021] <https://www.libertyhumanrights.org.uk/advice_information/can-i-attend-a-protest-during-the-coronavirus-lockdown/>

Jessica Tucker, a Physics student at Royal Holloway, argues “you shouldn’t be able to meet up and protest because there are a lot of people in one space that can transmit COVID, and there’s no point for the past year trying to reduce COVID transmission...but then allowing people [to protest] now”. Tucker is a supporter of the women’s safety movement and campaigned through posting on her Instagram about the Sarah Everard case. However, in relation to the Clapham Common vigil, she believes that “the violence [by police] that happened was not necessary but the whole separation was because it turned into a protest. I think people really want to push forward a voice for women at the moment and try to stand in solidarity, but I just don’t think that was the right place or time to do it.”

Having voted ‘no’ in response to the online poll, John Gulland, an A-Level Student from Oxfordshire, argues that regardless of current COVID-19 rules, any “action that the state takes in preventing people from doing what they see fit in any capacity is wrong and a claim doing such is unjust. People are within their own autonomy to go against the ruling of the state and demonstrate against abuses of power or anything really”.

Since the Sarah Everard case, so far the Conservative Party have voted in support of The Police, Crime, Sentencing and Courts Bill 2021⁴. This bill includes legislative changes to the policing of non-violent protests. Police are currently only allowed to use force at violent protests; they are not allowed to break up non-violent protests. Following the Extinction Rebellion protests in April 2019 that disrupted London’s transport system, parliament have wanted to implement stricter policing where major disruption is caused⁵. The bill allows protests to be stopped if they cause “‘serious unease, alarm or distress’ to bystanders”⁶. Police would be allowed to set a start and finish time of protests; set limits on noise if they disturb a nearby organisation; and break up protests of just one person⁷. On a video uploaded to Twitter, Labour’s Kier Starmer argues that the Conservative party are pushing the bill through under the guise of women’s safety. He says the bill references new legislation surrounding the protection of statues (such as those vandalised during Black Lives Matter protests last year) but “does nothing to address violence against women and girls”⁸.

⁴ McGee, L. (2021) With UK police under fire, Boris Johnson pushes new bill that could end peaceful protests, CNN [accessed 25/03/2021] <<https://edition.cnn.com/2021/03/16/uk/uk-crime-bill-sarah-everard-protests-clampdown-intl-gbr/index.html>>

⁵ Brown, J. (2019) Protests: What powers can the police use?, House of Commons Library [accessed 25/03/2021] <https://commonslibrary.parliament.uk/protests-what-powers-can-the-police-use/>

⁶ Hirst, D., Beard, J., Brown, J., Dawson, J., Lipscombe, S. (2021) Police, Crime, Sentencing and Courts Bill 2019-21: Background, House of Commons Library [accessed 25/03/2021] <<https://commonslibrary.parliament.uk/research-briefings/cbp-9158/>>

⁷ Hirst, D., Beard, J., Brown, J., Dawson, J., Lipscombe, S. (2021) Police, Crime, Sentencing and Courts Bill 2019-21: Background, House of Commons Library [accessed 25/03/2021] <<https://commonslibrary.parliament.uk/research-briefings/cbp-9158/>>

⁸ Starmer, K. (2021) 16 March [accessed 25/03/2021] <https://twitter.com/Keir_Starmer/status/1371906306387415040>

Lawyers, scholars and activists have argued that the suggested legislative changes are a violation of our human rights⁹. The European Convention of Human Rights Articles 10 and 11 protect our freedom of expression and our right to “assemble in groups to peacefully protest”¹⁰. This right can be restricted in the interest of protecting public health and safety¹¹. Tucker agrees that measures to protect people during protests should be taken by police to ensure safety, but stricter policing should not be used as an excuse to silence causes: “Earlier when we had the Black Lives Matter protest, now we’ve got women’s rights and things like that; that has to be safer. There is so much that happens and so many people who get hurt on their way to a protest, during a protest and on the way back from a protest. I think the police should be able to advocate for safety, but policing it just to keep people apart or to keep people quiet? That’s not really their job.”

Similarly, Gulland disagrees with the implementation of the Police, Crime, Sentencing and Courts Bill 2021 in relation to non-violent protests. “This rule seems particularly intrusive, although I’d assume it’s coming from a basis of annoyance at protests rather than forcing people into submission – not that it makes it any less of an infringement.”

In-person protests are not the only form of activism that have been employed during the pandemic. Digital forms of activism have been used globally throughout the pandemic to raise awareness¹². There has been an outpour of individuals sharing and re-posting stories of sexual harassment on social media, the emergence and use of hashtags such as #NotAllMenButAllWomen and #MeToo, signing petitions and writing to MPs to campaign for women’s safety. Tucker observed that instead of attending the vigil for Sarah Everard, “loads of people lit candles and were posting stuff on social media about it; there was absolutely loads about women’s safety, petitions going around, people contacting MPs. I think that’s probably a better approach.” Reclaim These Streets, an activist group campaigning for women’s safety, even organised at-home protests, where women could light a candle outside their front doors, thus ‘reclaiming’ a part of their own streets¹³.

Over the course of the COVID-19 pandemic in the UK, in-person and online forms of activism have been used to campaign and raise awareness for various causes. The line between having the right to protest and protecting public health during the pandemic is a thin one; some are entirely against in-person protests in order to prevent the spread of COVID-19, while others believe the potential transmission of the virus is a small price to pay for the future safety of women in society. With the ‘Police, Crime, Sentencing and Courts Bill 2021’ still being amended in the initial stages of debate, the future of policing at non-violent protests remains unknown.

⁹ Allegretti, A., Wolfe-Robison, M. (2021) New anti-protest bill raises profound concern and alarm, human rights groups say, The Guardian [accessed 25/03/2021] <<https://www.theguardian.com/uk-news/2021/mar/14/new-anti-protest-bill-raises-profound-concern-human-rights-groups-say>>

¹⁰ Amnesty International UK (2018) What is the European Convention on Human Rights?, Amnesty International [accessed 25/03/2021] <<https://www.amnesty.org.uk/what-is-the-european-convention-on-human-rights>>

¹¹ Equality and Human Rights Commission (2018) Article 11: Freedom of Assembly and Association, Equality and Human Rights Commission [accessed 25/03/2021] <<https://www.equalityhumanrights.com/en/human-rights-act/article-11-freedom-assembly-and-association>>

¹² BBC World Service (2020) Protest and activism in the time of coronavirus, BBC World Service [accessed 25/03/2021] <<https://www.youtube.com/watch?v=VzHImwSJxk8>>

¹³ Casciani, D. (2021) Sarah Everard Vigil: Talks Continue Between Organisers and Police, BBC News [accessed 25/03/2021] <<https://www.bbc.co.uk/news/uk-56383870>>