

Metropolitan Police
Victoria Embankment,
London
SW1A 2JL

The Article 11 Trust
162a Southwark Bridge Road
London
SE1 0DG

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Dear Metropolitan Police,

Legal Observers at planned Extinction Rebellion protests in September and October 2022

As you will be aware, the environmental campaigners Extinction Rebellion are planning a 'week of action' in London in early September and further demonstrations are predicted in October.

The policing of these protests is of particular interest to the Article 11 Trust, which is a charity that works to defend and advance the rights to freedom of assembly and association under Article 11 of the European Convention on Human Rights. We undertake research and education projects, support grassroots groups and raise public awareness around protest rights issues.

As part of our work, we have raised particular concerns about the treatment of independent Legal Observers. As the National Police Chiefs Council's most recent 'Protest Operational Advice' document acknowledges, independent Legal Observers are "a modern feature of public protest",¹ and we expect, in keeping with previous experience, that they will have a presence throughout the week of action in September and at any further demonstrations the following month.

Our report 'Protecting Protest'² published in May this year made a number of significant findings – based on interviews with those who volunteer as independent Legal Observers – regarding officers' knowledge of, attitudes towards, and treatment of their role at protests and demonstrations in Britain, including by officers of the Metropolitan Police:

- 38% of interviewees indicated officers had poor or no knowledge of the role of Legal Observers.
- 86% of interviewees indicated police attitudes towards them ranging from "somewhat" to "strongly negative".
- 78% indicated experiencing police attempting to restrict or obstruct the activity or effectiveness of their activities, ranging from somewhat often to extremely often.
- 56% of female Legal Observers explicitly described an element of gender based discrimination, ranging from sexual harassment and assault by police officers, to being "patronised and dismissed".
- 90% of LOs had experienced aggression or physical force from police officers.

¹ NPCC, 2022. Protest Operational Advice Version 3.3. p.32.

² Article 11 Trust, 2022. Protecting Protest. <https://article11trust.org.uk/wp-content/uploads/2022/05/Police-Treatment-of-LOs-Web-Version.pdf>

In May 2021, the Metropolitan Police did acknowledge for the first time that Legal Observers “have an important role to play in providing independent scrutiny of protests and the policing of protests”.³

As you will be aware, independent monitors of protests are recognised in international human rights guidance as a necessary component of protecting Article 11 Rights to freedom of assembly and association, and Article 10 rights to freedom of expression.

The United Nations, in its Human Rights Committee General Comment 37 in 2020, indicated that “it is a good practice for independent national Human Rights institutions and non-governmental organizations to monitor assemblies”,⁴ and also stresses the right of “human rights observers to **document any assembly including violent and unlawful ones**”. The same guidance emphasises the legal duty of police to “protect... monitors and observers” and asserts that:

*“They may not be prohibited from, or unduly limited in, exercising these functions, including with respect to monitoring the actions of law enforcement officials. They must not face reprisals or other harassment, and their equipment must not be confiscated or damaged. **Even if an assembly is declared unlawful or is dispersed, that does not terminate the right to monitor**” (Emphasis added).*

With this in mind, we believe the Metropolitan Police has a duty to explain precisely how you intend to prevent any interference with independent human rights monitoring by Legal Observers at the forthcoming Extinction Rebellion demonstrations and to provide the advice you will give to frontline officers, especially to address the indications from our research of officers’ poor knowledge of the role.

We would welcome a public statement providing this information and, in due course, a copy of any briefing given to officers when it is finalised.

We will, of course, be closely monitoring incidents as they arise on the ground but we would appreciate your response as soon as possible.

Yours sincerely,

The Article 11 Trust

CC: Clément Nyaletsossi Voulem
UN Special Rapporteur on Freedom of Peaceful Assembly and of Association,

³ <https://www.theguardian.com/uk-news/2021/may/29/met-drops-case-and-accepts-the-role-of-legal-observers-at-protests>

⁴ UNHRC, 2020. General Comment No. 37 Para, 6. <https://digitallibrary.un.org/record/3884725?ln=en>