

## Written evidence submitted by #ReclaimTheseStreets (SAF0017)

[Note: This evidence has been redacted by the Committee. “\*\*\*” represents redacted text. Text in square brackets has been inserted where text has been redacted.]

1. We are grateful to members of this committee for the focus on the policing and organisation of vigils relating to safety of women in public places. The events in the lead up to the arrests on Saturday 13<sup>th</sup> March took us all by surprise, and we have been incredibly disappointed and concerned by the way that the police have interacted with us, with those who attended on Saturday, and all the women in towns and cities around the country who also worked to organise vigils in their own neighbourhoods.

### Background

2. Reclaim These Streets is a small group of women – friends and others who later joined us – who came together on Wednesday 10<sup>th</sup> March 2021 around a shared sense of grief at the disappearance of Sarah Everard, fear of being out alone in our local neighbourhood as a result, and anger at the narrative that yet again the answer to violence against women was to require that women change their behaviour rather than tackling male violence against women.
3. We wanted to stand up together – because of our collective grief at the events of the past week, because we wanted to show and feel solidarity with other women in our area, and because we wanted raise awareness and show our unhappiness at the dangers, harassment and violence that women face. The vigil sought to remember Sarah as well as highlighting the tragic number of women who go missing or are subject to violence every day, and to provoke a change in understanding of violence against women and society’s attitude to this.
4. Our group includes two local Lambeth councillors, as well as women with community, communications and events organising experience. We felt that as a group we had the skills and experiences to organise a vigil in a way that put being Covid-19 safe at its heart. I had experience during lockdown conditions of safely organising groups of volunteers, others in the group had organised large scale events previously, and others had worked many times with police. It was clear from social media that other women were planning on doing something and that people would be gathering on Saturday in response to Sarah’s case. We felt like we were in a good position to help organise something that would be safe, despite the pandemic.

### The planned vigil

5. On Wednesday 10<sup>th</sup> March we discussed the timings, format and actions needed for an event.
6. We decided to hold it on Saturday 13<sup>th</sup> March 2021 because this was the first weekend following the arrest of a suspect. By the time of the call, it was clear that many people living

in the Lambeth area (including myself) were in shock by about what is believed to have happened to Sarah, and wanted to grieve and commemorate her, and stand up for women's safety. We also wanted to reclaim space for women, to recognise her passing and other women in the area and across the UK who lose their lives due to violence and misogyny by making a statement that public spaces, whether parks, commons, town squares or streets, belong as much to women as they do to men.

7. We decided to hold the event in Clapham Common for two reasons. First, because this is believed to have been on Sarah's walk home when she disappeared. There had been a lot of publicity around the police search that was taking place within Clapham Common, and images of police officers searching the common were covered extensively which made local women feel anxious about being on the Common alone.
8. Secondly, Clapham Common was chosen because it is a huge open, outdoor space (220 acres of grassland) which would more than allow for people to socially distance themselves from one another. As a common rather than a park, there are no fences or gates meaning people can move around freely without being funnelled into entrances or exits.
9. Safety was a priority from the start, and we discussed our risk assessment on this first call. Social distancing and masks were flagged as compulsory on every piece of literature produced as well as being in the original event invitation on Facebook. We registered with the Government test and trace system so that we could put QR codes on every tree and lamppost for attendees to check in. We planned to recruit stewards and sourced several Hi-Viz jackets to remind people of the need to be socially distanced and wear their masks. We planned to recruit first aiders on site as well as mental health first aiders given the emotive and potentially triggering subject matter. We began organising a PA system so that people would not need to crowd to the front to be able to hear what was happening. We reached out to a number of trade unions who have extensive experience in organising protests and events so that we could draw on their expertise. We procured 900 LED tealights as we were aware that the common's bylaws do not permit open flames.
10. Before our plans were finalised, however, we contacted the council and the police. We felt it was important to begin working with them as soon as possible to ensure the vigil would be safe. On the night of Wednesday 10<sup>th</sup> March, we proactively wrote to the council's Community Safety assistant director as well as the Metropolitan Police Borough Commander for Lambeth and Southwark, informing them of our intentions.

## Police relations ahead of court

11. Just as we had hoped it would be, the council was, and remains, supportive of the event without any reservations and keen to work with us to ensure it was safe.
12. We received a reassuring email reply from the police on 11<sup>th</sup> March 2021:

*The shocking and disturbing circumstances around Sarah's disappearance has sent waves of anger and dismay throughout our local BCU and the wider Met and our thoughts and prayers are with Sarah, her family, loved ones and friends. I tried calling you both this morning and am now emailing you in*

*regards to the Reclaim the Streets Vigil, planned for Saturday 13th March, Clapham Bandstand, Clapham Common and would be interested to know what the timings are for the event, estimated numbers and whether there will be any local stewards supporting the event. We are currently developing a local policing plan, but would be grateful for any additional information that you may be able to provide that will assist us with developing an appropriate and proportionate local response.*

13. We then organised a meeting with the police so that we could discuss the vigil – specifically to talk through our plans for stewarding and safety and to take on board any suggestions for ensuring we addressed any public health concerns.

14. Their reply was unsettling:

*Let's aim for 2:30 we are just confirming all the legal ramifications for all this including the current COVID legislation and in gathering the police team together to discuss all the aspects for consideration – we do need to bear in mind that organising an event is still illegal and we are trying to navigate a way through at no notice, please bear with us.*

15. We did not believe the vigil to be “illegal” or anticipate that the police would say so – especially when they had not yet discussed with us how we would balance public health concerns with our rights under Articles 10 & 11 of the Humans Rights Act.

16. This meeting took place at 14:30. The police advised that the vigil could not go ahead because of the Covid-19 Regulations. Specifically, we were told by the police that the vigil would contravene the Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020 and that their “hands are tied” because of the law. They said they had to be consistent in not letting any events go ahead. They told me that the organisers of the event, which would include me, could be fined £10,000 each, and we might be breaking the law under s.44 and s.45 Serious Crime Act 2007. They advised that attendees of the vigil could also be fined.

17. We clearly explained that as local representatives we wanted to ensure that this was a safe event, and given a number of other events had previously popped up on social media, by working with us we could meet the need of the community to come together but in a way where we had some control of the safety measures. We explained it was to be done in the safest way possible and asked for their input into how it could be made safe - this did not change their view.

18. We felt very disheartened and disappointed that the metropolitan police had changed their views from initial conversations to preventing the event from happening. [\*\*\*], we felt it was their responsibility to make sure they supported women in the capital.

## Legal action

19. We sought legal advice, given the serious nature of the proposed fines and potential criminal prosecution, as well as because of our unease at what appeared to be a blanket ban on protests or vigils.
20. Our understanding was, and remains, that the police are not correct in saying that vigil organisers or participants would necessarily contravene the All Tiers Regulations should the event go ahead. Our rights to free expression, protected by Article 10 of the European Convention on Human Rights and free assembly, protected by Article 11 of the ECHR are engaged. Public authorities, including the police, are required by the Human Rights Act 1998 to interpret the All Tiers Regulations compatibly with these rights.
21. We also understood that the Court of Appeal recently said in a case called *Dolan v Secretary of State* that the regulations can be read compatibly with the Human Rights Act because being outside and/or gathering is permitted under the Regulations where there is a 'reasonable excuse'.
22. We therefore applied to the High Court for an urgent Order confirming that the Metropolitan Police's understanding of the law was incorrect, and for an urgent interim declaration that:
  - a. Schedule 3A to the All Tiers Regulations 2020 insofar as it prohibits outdoor gatherings, is subject to the right to protest protected by the Human Rights Act 1998;
  - b. the Metropolitan Police Service's policy prohibiting all protests irrespective of the specific circumstances, is accordingly erroneous in law;
  - c. persons who are exercising their right to protest in a reasonable manner will have a reasonable excuse for gathering.
23. We were represented by Doughty Street Chambers, Bindmans and Blackstone Chambers and the case was heard by Mr Justice Holgate. The transcript of the verdict can be found here:  
  
[https://www.bindmans.com/uploads/files/documents/Leigh\\_Ors\\_v\\_The\\_Commissioner\\_of\\_the\\_Police\\_of\\_the\\_Metropolis\\_\(12.03.21\)\(JUD\).pdf](https://www.bindmans.com/uploads/files/documents/Leigh_Ors_v_The_Commissioner_of_the_Police_of_the_Metropolis_(12.03.21)(JUD).pdf)
24. After the court case, we met again with the Metropolitan Police. We understood the ball to be in their court – that they had a responsibility as had just been outlined by Justice Holgate to exercise proportionality in their policing of the vigil, and that the onus was therefore on them to help define what an acceptable event would look like under the regulations. We made many constructive suggestions including staggering start times or splitting the event into time slots, but police officers attending did not engage with these nor offer suggestions of their own.
25. At 19.55, while we were still in a meeting with the Metropolitan Police, they issued a statement telling people to stay at home or "find a lawful" alternative way of expressing their views. You can find a copy of the statement here:

<https://www.mynewsdesk.com/uk/metpoliceuk/news/met-statement-following-court-judgement-423201>

26. That evening, the National Police Chiefs' Council (NPCC) told forces across England and Wales that gatherings could not be allowed.
27. By issuing those statements while we were still in a meeting with police officers, and while we were trying to be constructive, felt hugely disrespectful, premature and deeply inappropriate. We are incredibly disappointed that given the many opportunities to engage with organisers the Metropolitan Police remained unwilling to commit to anything. We were careful to distinguish between Lambeth officers and Scotland Yard – local police understood the need for women to come together in the face of a tragedy on their doorstep but the officers from Scotland Yard refused to engage and were, on occasion, hostile and rude. We felt intensely frustrated, belittled and silenced.

## Cancellation

28. In light of the lack of constructive engagement from the police, we felt forced to cancel and issued regular advice to people not to turn up. We worked with the Feminists of London on an online vigil, organised a small group of local MPs to light a candle for each of the women that have been killed by men over the past 12 months, and organised a doorstep vigil across the country where people lit a candle outside their front door and held a minute's silence.
29. Despite official cancellation, many people still went to Clapham Common – as we had warned to the police officers would happen anyway. Whether people didn't see the information cancelling the event or felt that the importance of coming together outweighed the risk of fines, we couldn't second guess their intentions and won't be drawn into casting judgement on other women. No organisers attended the vigil on Saturday, although I was present earlier in the evening to give a Sky News interview and saw that the crowds were already growing. In our meeting the day before, the police had already discussed the inevitability of a degree of gathering.
30. We were quite upset at the scenes that unfolded – images of women being manhandled by male police officers. We felt that it could have been avoided. The police put those women at risk not just by their heavy handedness on the night, but by refusing to engage constructively with us on how to ensure any gathering was Covid-safe. Had they worked with us, there would have been a proper risk assessment, PA system, Covid marshalls and event stewards, mental health first aiders and a first aid tent on site, QR codes for track and trace, and a much more sensitive approach to policing such as ensuring it was predominantly local and female officers.

## Vigils elsewhere in the UK

31. While our efforts were focused on Clapham Common, the topic of women's safety clearly hit a nerve with women across the country. Many got in touch informing us of their own plans to hold vigils at the same time as us. By Saturday we had been made aware of 32 events – other accounts suggest at least 40 were planned.

32. Other organisers have contacted us about their experience with their local police forces. We are aware of only two which worked collaboratively to enable something safe and in-person to take place – in Nottingham and Gwent. Some other organisers cancelled in response to our choice to do so in Clapham, others experienced more direct approaches from the police which they found intimidating. One organiser was issued with a cease and desist letter to her home – despite having already cancelled the in-person event and having communicated that to officers. Another was threatened with weekly phone calls to enable the police to check in. Another was phoned on a number the police only had access to because she had been a victim of a crime previously and they used her data from that case to contact her. Elsewhere, being threatened with a £10,000 fine seemed to be a common approach.

### Going forward

33. The handling of what happened at Clapham Common on 13th March has been questioned and strongly criticised in the media. Commissioner Cressida Dick has sought to explain her officers' actions, but what is remarkably absent from her explanation is anything that indicates that she or any other officer sought to balance the Article 10 and 11 rights of would-be and actual attendees against the other factors they had to consider in deciding whether those present had a reasonable excuse to be there and deciding what to do if they did not.
34. Given this and our broader concerns about policing of violence against women and misogyny, *#ReclaimTheseStreets* contacted the Commissioner on the morning of Sunday 14<sup>th</sup> March and asked for a meeting. This took place on 15<sup>th</sup> March, though in the end the Commissioner had to leave after 15 minutes.
35. It appeared to us that the Metropolitan Police have not shifted their interpretation of the law – in fact they have doubled down, despite the experience of Nottingham and Gwent showing that a vigil can be safe and legal. Commissioner Cressida Dick refused to answer the question of what a lawful exercise of our rights under Articles 10 & 11 of the Human Rights Act 1998 could look like and offered no answer on whether any proportionality exercise had been carried out while we were in active discussion with the Police before Saturday.
36. In fact, [name A] made clear to us in that meeting that the interpretation of the law and the ruling of Mr Justice Holgate remains a “fundamental point on which we disagree” and reiterated that there was no exemption for protest in any form.
37. We and our lawyers pressed those who remained after Commissioner Dick left on what form of gathering might be allowed, asking whether a gathering of 30 standing 10 metres apart from each other would be permitted, for example. We were told ‘no’. We asked [name B] whether any gathering of more than two people exercising Article 10 & 11 rights was permitted, to which [their] reply was “[i]n terms of gatherings, you know, it’s two people. More than two people and the way we deal with it - and that, that is within the definition of gatherings - but the way that we proportionately police and do those is through the engagement.” This was a reference to the first ‘E’ in the Police’s enforcement strategy which assumes there is unlawful conduct. When [name B] was asked to confirm that any gathering of more than two was unlawful [name C] interjected to say that depended on whether there was a reasonable excuse.

38. All of this left us none the wiser as to whether any exercise of our Article 10 & 11 rights would be considered lawful. One thing was very clear though, particularly from [name B] comments, which was that although the Police could or would not positively say what they would allow, any gathering even of small numbers of people spaced very far apart was not considered lawful in the sense of those participating having a reasonable excuse if they were exercising Article 10 and 11 rights. This makes it impossible for #ReclaimTheseStreets or any other organisation to plan any meaningful gathering without fear of prosecution. Our legal team has written on our behalf to the Police and the Government's lawyers to express these concerns and to request that they provide us with documents referred to in press reports.

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